Falklands Wars

Timeline History of the Falkland Islands

Volume 5
1983 to 2020

Sisyphus

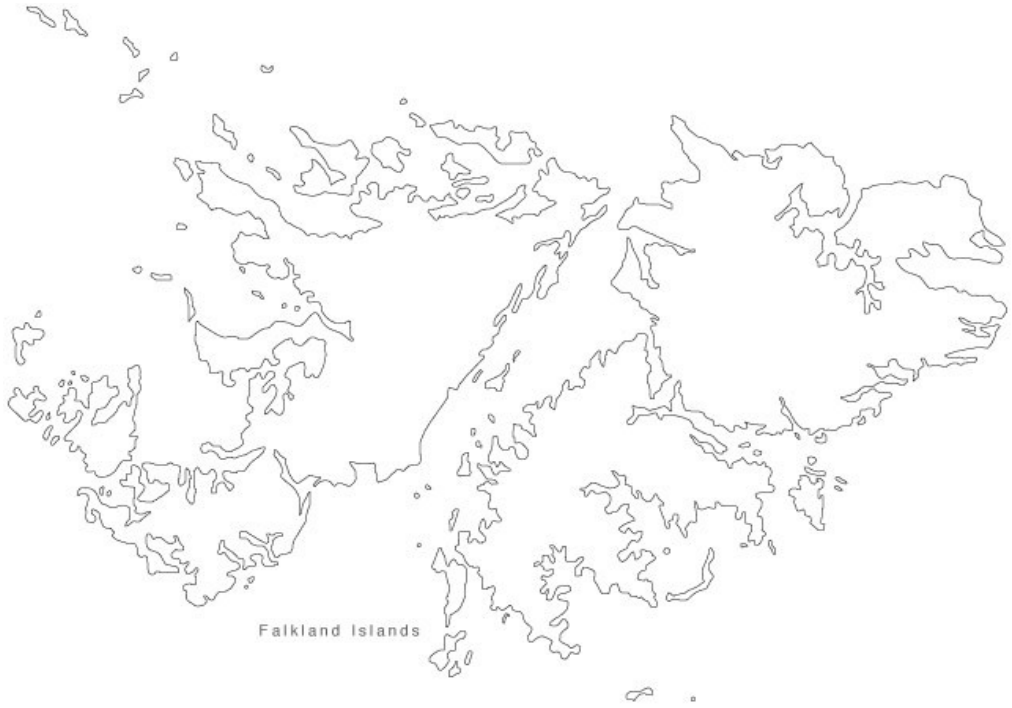
&

Bibliography

Roger Lorton

"Not so much a timeline as a blow-by-blow account"

2nd Edition 2026



Falklands Wars - Timeline History of the Falkland Islands: Volume 5 - 1983 to 2020
Roger Lorton 2026 2nd ed.

Once described as a “Research Resource” the information here has been unearthed from numerous sources including the archives of the UK, the USA, Spain, France and Argentina. From both original documents and secondary sources including books, journals, newspapers and biographies. In many ways it is a book of books as I have been inclined not just to cite my sources, but to quote them. Indeed, wherever possible, I have used the voices of the people who were there. The witnesses. Commenced in 2009, this work has kept me pleasurably employed in all the years since. Please feel free to dip in and use whatever you wish.

If anything here leads to new information, sources or discoveries, it would be good to hear of them. Messages can be left at https://falklandstimeline.wordpress.com/

For the events that preceded 1983, please see:

Falklands Wars - Timeline History of the Falkland Islands: Volume 1 - 1481 to 1815 Roger Lorton 2026 2nd ed.

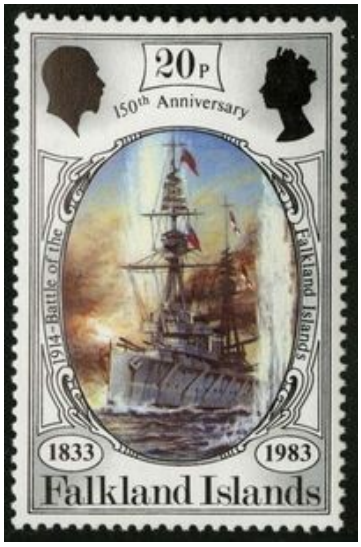
Falklands Wars - Timeline History of the Falkland Islands: Volume 2 - 1816 to 1899 Roger Lorton 2026 2nd ed.

Falklands Wars - Timeline History of the Falkland Islands: Volume 3 - 1900 to 1981 Roger Lorton 2026 2nd ed.

Falklands Wars - Timeline History of the Falkland Islands: Volume 4 - 1982 Roger Lorton 2026 2nd ed.

January 1st, the *British Nationality (Falkland Islands) Act 1983* takes effect. [1]

"Baroness Vickers' Nationality Act Amendment Bill, which was tabled in the House of Lords... has been successful, and as Mrs. Thatcher's Government has announced that they will not oppose the progress of the Bill, <u>full</u> citizenship for all Falklanders is assured." [2]



January 2nd, the Falkland Islanders' celebrate the 150th anniversary of the arrival of Capt. Onslow in *Clio* in January, 1833. [3]

> *"I have the greatest pleasure in sending you my congratulations on the occasion of the 150th Anniversary of continuous British Settlement of the Falkland Islands. You have recently been through a terrible experience during which the sympathy of the British people were with you. I hope that we can now look forward to a peaceful and prosperous future for the Falkland Islands.*
>
> *My very best wishes to you all ELIZABETH R."*

In Argentina, Foreign Minister Juan Aguirre Lanari gives a speech confirming that his country will continue demanding sovereignty over the Islands; *"Illegal occupation may perhaps give the United Kingdom transitory control of the territory, but it will never grant it the full and legitimate sovereignty our country will continue to demand in every international forum."*

In the Falklands, on the same day, a saturation diving team searching HMS *Coventry* raises the *Cross of Nails* presented to the ship by the people of Coventry in 1978. [4]

January 3rd, in New York, at the United Nations, Argentina reaffirms its claim to sovereignty over the Falklands archipelago in a letter to the Secretary-General, for circulation to UN members.

> *"I have the honour to address you in connection with the l50th anniversary, on 3 January 1983, of the date on which part of the Argentine territory, the Malvinas, was occupied illegally and by force by the United Kingdom. The Argentine Republic, whose vital interests, dignity and rights are being seriously affected by the continued British colonial presence in the islands, has never accepted this violation of its sovereignty and, since 1833, has repeatedly called upon the United Kingdom to restore the usurped territories.*
>
> *In the absence of diplomatic relations and direct communications between the Argentine and British Governments, this claim and the reservation of Argentine rights in relation to the jurisdictional and administrative acts of the British Government vis-a-vis the Malvinas, South Georgia and the South Sandwich Islands are formally reiterated through this note.*
>
> *In particular, the Argentine Government wishes once again to protest most forcefully against the measures of the British Government which, like the arbitrary and illegal maintenance of a so-called*

1 Retrospectively. Under the *British Nationality Act 1981*, third generation Islanders would have been classed as British Dependent Territories Citizens with restricted rights of residence in the UK. The 1981 legislation came into force on January 1, 1983. In March, 1983, an enactment with retrospective effect – the *British Nationality (Falkland Islands) Act 1983* – reversed this for Falkland Islanders. Now superseded by the British Overseas Territories Act 2002.

2 *Penguin News* December 13, 1982

3 The official ceremonies were put back until February. Onslow ejected a trespassing Buenos Aires garrison. See 1833

4 *The Forgotten Few of the Falklands* Rob Hoole 2007 published in *Naval Review* vol.95 no.4 (November 2007). The cross is now displayed on HMS *Diamond*, a RN destroyer also associated with the City of Coventry.

"protection zone" around the Malvinas and the militarization of the territory, constitute a source of serious tension in the South Atlantic." [5]

In Argentina, Bignone's administration commences interviews with relatives of those killed in the 1982 war seeking consent for the bodies to remain in the Falkland Islands. [6]

January 4th, from Buenos Aires, a message is passed to the British Government, via the International Committee of the Red Cross (ICRC). This seeks further information regarding press reports that Argentine grave sites in the Falklands are in a poor condition. Accompanying the request is a threat to invoke article 17 of the First Geneva Convention.

"Parties to the conflict shall ensure that burial or cremation of the dead, carried out individually as far as circumstances permit, is preceded by a careful examination, if possible by a medical examination, of the bodies, with a view to confirming death, establishing identity and enabling a report to be made. One half of the double identity disc, or the identity disc itself if it is a single disc, should remain on the body. Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead.

They shall further ensure that the dead are honourably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found. For this purpose, they shall organize at the commencement of hostilities an Official Graves Registration Service, to allow subsequent exhumations and to ensure the identification of bodies, whatever the site of the graves, and the possible transportation to the home country. These provisions shall likewise apply to the ashes, which shall be kept by the Graves Registration Service until proper disposal thereof in accordance with the wishes of the home country. As soon as circumstances permit, and at latest at the end of hostilities, these Services shall exchange, through the Information Bureau mentioned in the second paragraph of Article 16, lists showing the exact location and markings of the graves together with particulars of the dead interred therein."[7]

January 8th, at Stanley, Margaret Thatcher arrives in the Falkland Islands to be welcomed by Rex Hunt. [8]

"*This is a great moment in the history of the Falkland islands. For me personally it is probably the greatest moment of my life. It was here in Stanley Town Hall on the second of April that I told General Garcia that he had landed illegally on British territory and I ordered him and his troops to remove themselves forthwith. In reply General Garcia said that they were taking back what was rightfully theirs, and that they would be here for ever. But for our distinguished guest they might well have been..."* [9]

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5 *UN Doc A/38/71*. A similar letter was also addressed to the President of the UN Security Council. From this date forward, an annual event every January. 42 years later (2025) they still do. Similar wording. Flawed history.

6 *Recuperar Malvinas: Las disputas por los significados de la guerra y su tardía inclusión en el campo de los derechos humanos* Alejo Ramos Padilla 2025 . This author notes that 78.26% of relatives opted to leave the bodies in the Islands, 12.42% rejected the suggestion while 9.32% were undecided. Padilla cites *Informe de los resultados de la Campaña de Acción Psicológica "Los caídos en Malvinas"* January 1983 p.1

7 *Convention (I) for the Amelioration of the Condition of the Wounded and the Sick in Armed Forces in the Field Geneva August 12, 1949* Art. 17.

8 Accompanied by her husband Denis Thatcher, Admiral Sir John Fieldhouse, Bernard Ingram (Press Secretary) and two personal assistants.

9 Commissioner Rex Hunt. See - https://www.margaretthatcher.org/document/105227

January 9th, at Stanley, the Prime Minister meets with the nominated and elected members of both Councils.

"East Falkland representative Ronnie Binnie described the meeting as "very emotional for a while", and John Cheek, who represents West Stanley, said the meeting had given Councillors "an opportunity to thank her on behalf on their constituents"." [10]

January 10th, during a tour of the Islands, Margaret Thatcher stops off at Goose Green.

"The meeting with local families in the Goose Green social hall was one of the high points of the day. Most of the 100 or so people who had been locked up by the Argentines for one month were there, and they met their heroine in what had been their prison. The crowd were jubilant, and they smiled, laughed and cheered. Mrs Thatcher made an off-the-cuff speech in which she told the assembled people that she "admired them for their courage and loyalty". Thinking back on her meditation over the grave of Nicholas Taylor, she said: "It has been a great experience to lay wreaths on the grave of Nicholas Taylor, who will be with you forever. I know that you will look after him each and every day" Thank you for your loyalty, thank you for being British". The applause from that small gathering could have emanated from a huge crowd, such was its volume." [11]

At a civic reception in Stanley Town Hall, Margaret Thatcher is presented with the honorary Freedom of the Falkland Islands.

> *"Whereas we the people of the Falkland Islands have recently suffered armed invasion of our beloved islands,*
>
> *And whereas but for the support and aid given us by the people of the United Kingdom of Great Britain and Northern Ireland we would still be under foreign domination today,*
>
> *We the undersigned representatives of the people of the Falkland Islands, in acknowledgement of our humble and sincere gratitude and appreciation of the courageous, steadfast and unyielding leadership of Margaret Hilda Thatcher, Prime Minister of the United Kingdom throughout the campaign for our freedom, hereby confer on the said Margaret Hilda Thatcher the honorary freedom of Stanley and all the townships and settlements throughout the Falkland Islands."* [12]

January 11th, Thatcher visits Stanley schools and the hospital, before flying out to HMS *Antrim*.

January 12th, after a visit to Tumbledown Mountain, the British Prime Minister quietly departs; *"The need for secrecy about the departure date was obviously vital. The Argentines had made some veiled threats, and the possibility of an attempt on the PM's life could not be discounted."* [13]

10 *Penguin News* January 18, 1983
11 *Ibid.*
12 Signed Sir R.M. Hunt, F.E. Baker, T.J. Peck, W.H. Goss, H.T. Rowlands, W.R. Luxton, A.T. Blake & J.E. Cheek
13 *Penguin News* January 18, 1983

The Argentine Government asserts that Thatcher's visit has; *".. aggravated tension in the region."*

"According to the British Press, the visit was officially described in Buenos Aires as "a new act of provocation and arrogance", and Argentina's new Foreign Minister Juan Ramon Aguirre said that Argentina's aim was still to re-establish "effective possession of territories taken away by force". ... and the official news agency Telam said the visit would only result in violence. It added that it should not be assumed that hostilities are necessarily over." [14]

From Buenos Aires, US Ambassador Shlaudeman telegrams Washington.

> *"There are sufficient indications that some Argentine military move could possibly be afoot to merit concern and increased intelligence activity. Presumably whatever action might be intended would be directed against the British in the South Atlantic, although some kind of scheme for confronting the Chileans is not completely inconceivable. ...*
>
> *Destroying a British helicopter outside the 150-mile limit has been mentioned by some officers. A commando landing or sapper attack against British aircraft are examples of other conceivable possibilities. The rationale would be to pressure the British to negotiate while – most important – restoring the honor and domestic reputation of the armed forces. ... it is conceivable that the Junta or some part of the armed forces would decide to go ahead with some kind of military operation such as those mentioned above.*
>
> *Despite repeated statements here and in Washington of the US position opposing the use of force, many in the government and the military may believe that US would not react adversely to a small action, given what they see as the British provocation and a strong US desire to strengthen Latin American ties. We shall take every opportunity here with both military and civilians to disabuse any of the notion that our strong views against the use of force have changed."* [15]

In the UK, Adrian Monk takes up a position as the first Falklands Official Representative; establishing an office in London.

January 14th, in Buenos Aires, the Argentine government are informed, via the Swiss, that the British intend to create a burial ground for all the Argentine dead in the Islands. The Argentine government respond that they require the British government to comply with article 17 of the First Geneva convention, while reserving the right to transfer Argentine remains at a later date.

"In January 1983, the Argentine authorities authorized the burial of the corpses in situ, reserving the right to "transfer" them at a later date. The British collected the mortal remains together in one single place: the Argentine Cemetery was born. The slowness of the Argentine authorities' reaction is probably linked to an insoluble diplomatic situation: How can bodies be repatriated when the earth that covers them is deemed to belong to the nation anyway?" [16]

"The Argentines made reconciliation difficult. The Islanders wanted their world to return to its pre-invasion state and asked the British Government to negotiate the repatriation of dead Argentine soldiers. The Argentine Government refused, saying that they were buried on Argentine soil, creating a fifth column of the dead." [17]

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14 *Ibid.* Despite assurances from Argentina to the UN General Assembly.

15 *Department of State, Central Foreign Policy File, D830020–0706*

16 *Argentine Soldier Known unto God: The Darwin Cemetery and Conflicts in the Retelling of the Falklands/Malvinas War* J. Rubenstein 2011. Buenos Aires was informed. Authorisation was not requested.

17 *Dirty Wars and Devious Politics: The Foreign Office, the Falklands, Argentina and the USA 1964-1999* Robert Elgood 2025

January 17th, in London, the debate that commenced on December 14 regarding the government White Paper - The Falklands Campaign: The Lessons - resumes in the House of Lords.; *"At a more meretricious level, my Lords, and leaving aside the tragic loss of 255 lives and nearly 800 wounded on our side, while it might have cost possibly £10 million to deter that aggression, it has cost £2 or £3 billion to defeat it."* [18]

January 18th, Lord Franks' findings are officially presented to the British Government. [19]

> *"... we conclude that we would not be justified in attaching any criticism or blame to the present Government for the Argentine Junta's decision to commit its act of unprovoked aggression in the invasion of the Falkland Islands on 2 April 1982."*

"(Franks Report) itemises one unfortunate misjudgment after another, producing a catalogue of errors and missed opportunities which provide the raw material for a formidable indictment. But... it was a classic establishment job. It studiously recoiled from drawing the large conclusions implicit in its detailed findings." [20]

"Lord Franks's report on the catastrophic miscalculations which led to the Falklands War of 1982 was typical of the strange British tradition of the incurious inquiry. On the one hand Franks concluded "we would not be justified in attaching any criticism or blame to the present government for the Argentine Junta's decision to commit its act of unprovoked aggression in the invasion of the Falklands Islands". On the other, the rest of his report described how Margaret Thatcher's government had left the islands defenceless." [21]

"Lord Franks ... (said) ... that it should be remembered that his report was produced in the aftermath of victory "there is a time and a place for blame" and that the report should be read carefully and between the lines. ... The Report exonerated the prime Minister, her government and officials of negligence concerning the invasion." [22]

In Washington DC, on the same day, US Assistant Secretary of State Schultz notes in a *memo* to the Secretary of State; *"Fortunately, the (Franks) Report does not talk more about intelligence sources or exchanges with the US. We have enough problems healing the scars in Latin America without such revelations. It is possible that the lack of criticism of HMG may reflect the protection by the British establishment of its own."* [23]

January 19th, in the USA, reporter Bill Lynch (CBS radio) reports from the Pentagon.

> *"Six months after British forces recaptured the Falkland Islands, US intelligence reports say Argentina seems to be preparing a limited campaign of military harassment. Argentina has been buying new fighter planes from France, Israel and Peru to replace its war losses and some have been deployed at Rio Gallegos, within striking range of the Falklands. Intelligence analysts do not expect full-scale attacks on the British garrison. Instead, they say Argentina is making preparations for hit and run sabotage raids on British military targets, ... The British, who paid a heavy price to reclaim the islands in June, may find defending them is also costly."* [24]

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18 Lord Hill-Norton in the House of Lords debate on January 17, 1983. See - https://hansard.parliament.uk/lords/1983-01-17/debates/fa44e08d-b6fd-4ef6-a16c-d0d394276d8a/TheFalklandsCampaignTheLessons

19 In July, 1982, Lord Franks had been selected to chair a committee of six Privy Councillors to review the causes of the Falklands War. Seemingly, Thatcher had been in possession of a copy before her flight to the Falkland Islands. See - https://falklandstimeline.files.wordpress.com/2020/02/franks-report.pdf

20 Hugo Young, political commentator

21 *A very British practice* Nick Cohen in *The Guardian* August 17, 2003

22 Elgood 2005

23 Quoted in Elgood 2025

24 *Radio TV Reports January 19, 1983 0800 CIA-RDP88-01070R000100540007-9*

January 20th, in London, asked by Labour Party MP Tam Dalyell whether the Government would establish an inquiry into the circumstances surrounding the sinking of the *Belgrano*, Thatcher responds with a curt; *"No."*

January 21st, in Washington DC, US Assistant Secretary Enders and British Minister Derek Thomas meet.

"Ambassador Enders assured Thomas that the USG has reiterated to the GOA through a variety of channels our position opposing the use of force under any guise in seeking a solution of the Falklands dispute. ... Enders said that it may be necessary for the US periodically to reaffirm its opposition to the use of force. Ambassador Enders, noting that over time something must happen to resolve the Falklands dispute, asked Thomas' assessment of future prospects for a negotiated settlement. Thomas replied that there is no possible basis for negotiation until Argentina and this, or some future government in Great Britain, can establish normal relations. He stated that the wishes of the Islands have now become a major consideration with broad public and political support and that it would be difficult to reconcile this fact with Argentina's position." [25]

January 24th, from Buenos Aires, Constantino Davidoff telegrams Christian Salvesen Ltd., in Scotland requesting an extension to his contract for the removal of scrap metal from South Georgia. Davidoff is told that the; *"... British Government has stated publicly that it is most unlikely that permission would be granted for you to land in South Georgia in the foreseeable future."* [26]

In London, the Secretary of State for Defence agrees to send a second submarine, HMS *Osiris*, to the South Atlantic; *"in light of intelligence assessments of a heightened Argentine threat."* [27]

January 25th, in London, Parliament is presented with Lord Franks' report. During the ensuing debate in the Commons, Sir Anthony Kershaw MP, Chairman of the Foreign Affairs Committee, addresses the House. [28]

> *"The hon. Member for Methyr Tydfil (Mr. Rowlands) has spent the last half hour working hard trying to find differences between the last Administration and this one, but I do not think that he has succeeded in doing so. It is impossible to prove, but I have a strong suspicion that even if slightly different policies had been used in the way of crisis management the results would have been no different. Nevertheless, I believe that both Governments followed largely similar policies. They took more or less similar advice and found themselves up against the same difficulties ...*
>
> *Of course, after a nasty surprise such as we had - and there was every excuse for being surprised - the search for a scapegoat is natural. However, to the Labour Party's chagrin the Franks committee has found none. It was widely suspected at first that the Foreign and Commonwealth Office would be found wanting - after all, its Ministers did resign - but it was not. If we read the Franks report, we find that its advice was steadily correct and that Governments of both complexions followed it. It could be argued that the Ministry of Defence was a bit slow sometimes and apparently unaware of political considerations, but, after all, that is not exactly its remit. ...*
>
> *Most of us - I include myself - simply did not understand the sort of people that we were up against. The Argentine army is a ladder to success for the poor boy. Like the medieval church in Europe, it is almost universally recruited from disadvantaged classes and enjoys only a barrack room education. The officers come almost exclusively from that class of society which in almost every country forms the*

25 *Department of State, Central Foreign Policy File, D830039–0813.* USG – US government. GOA = Gov. of Argentina.

26 *Falkland Island Dependencies: Whaling Stations February 1, 1983* FCO note to Downing Street. Davidoff's involvement at South Georgia would seem to have brought the Argentine junta's invasion plans forward. *cf.* September, 1979, December, 1980 & December, 1981.

27 See - https://thinpinstripedline.blogspot.com/2024/09/hands-to-action-stations-royal-navy.html

28 A two day debate. The full record of day 1 can be found here – https://api.parliament.uk/historic-hansard/commons/1983/jan/25/falkland-islands-franks-report

hard core of Fascism. The result is an officer corps financially on the make, politically illiterate, never at war except against its own people and a disgrace to the profession - nothing more than a Mafia in fine uniforms. To negotiate sovereignty or anything else with such people is hopeless and destined to fail - ask Chile, Brazil, or any of its neighbours. But what would have been said if we had steadily refused to negotiate at all? We would have been heavily attacked both at home and abroad, and with some justice. …

I do not blame the Foreign Office or successive Governments for trying to negotiate. They could not have done less. We were wrong about the Argentines. They were and still are not to be negotiated with. Therefore, we have two choices - the Fortress Falklands or evacuation. It has been suggested this afternoon that the United Nations might take over, but there is not much future in that. They would not defend the islands. Indeed, they would probably give them away to Argentina very quickly and the Argentines would soon move in. … We do not trust the Argentines: they will shortly arrive, whatever kind of pretend regime is erected, unless British troops stay there, and we must therefore keep troops there for the time being. …

Fortress Falklands is the only policy left, with all its expense and diplomatic drawbacks with South America and the Third world. However, it is not all drawback. Because of the Government's action, which was supported by the House, our NATO allies and potential enemies - the world - know that we are people of our word. They also know that there are no better fighting men in the world." [29]

"Twenty years on from the Franks Report, which claimed no one, least of all ministers in London, could have anticipated an invasion, the Bakers still shook their heads in disbelief. They found Lord Franks' conclusions ridiculous, even insulting to those who were on the ground. Both are certain that from evidence they gathered during the last six months of peace, there was justification for the British Government to take notice and head-off the coming crisis. Dick Baker was not coy. "Not only could people have foreseen it, a lot of us did, " he said. "The tragedy was that no one in London seemed to want to know, or to react to the signals."..." [30]

"Dick Baker, who courageously rounded up Argentine residents on the eve of the invasion, reacted with 'disbelief' to the Franks Committee's findings, which he derided as 'ridiculous.' ... Captain Barker (HMS Endurance) called the Frank's Committee findings an 'appalling whitewash.' ..." [31]

"The Prime Minister had the Report when she visited the Falklands ... but MPs only received copies as they came into the chamber, denying them the opportunity to read it forensically." [32]

January 26th, in the House of Commons, the debate on the Lord Franks report recommences.[33]

"All Governments were aware of the costs and difficulties of defending and sustaining the islands if negotiations were to break down. All Governments took the view that it was not only in the British interest, but in the long-term interest of the islanders themselves, that the problem should be solved and that the dangerous consequences of the dispute should be removed. It was the only way to avoid confrontation with Argentina, which would be difficult for Great Britain and tragic for the islanders.

29 *HC Deb 25 January 1983 vol 35 cc837-839*

30 *Invasion 1982: the Falkland islanders' Story* Graham Bound 2007

31 *Fight for Falklands Freedom: Reporting Live from Argentina and the Islands* Harold Briley 2022. Baker had been Chief Secretary/Deputy Governor in the Falklands prior to the war. See Vols. 3 & 4

32 Elgood 2005

33 *HC Deb 26 January 1983 vol 35.* Record of day 2 is here – https://api.parliament.uk/historic-hansard/commons/1983/jan/26/falkland-islands-franks-report

Suggestions of appeasement are nonsense. The Government and their predecessors were guided by one essential principle: that no settlement of the dispute could be contemplated that was not in accordance with the wishes of the Falkland Islanders and of this House. That has been and remains at the heart of our policy. The Government took the view by 1980 that the most likely way of reconciling the Argentines' dominant interest in sovereignty and our interest in protecting the rights of the Falkland Islanders was to advance the leaseback option. We were well aware of the difficulties, but we thought it right to explore this way of resolving the complex factors of the Falklands equation. As hon. Members know only too well, the idea ran into difficulty, and Franks shows how and why. It has been suggested that, in the light of these difficulties over lease-back, the Government should have made a radical change of policy. This is what all this talk of Micawberism really boils down to." [34]

"For 338 paragraphs he painted a splendid picture, delineated the light and the shade, and the glowing colours in it, and when Franks got to paragraph 339 he got fed up with the canvas he was painting, and chucked a bucket of whitewash over it." [35]

"For myself I am prepared to rest on the Franks report in its entirety. The terms of reference of the committee were agreed by the official Opposition. Indeed, I recollect that the terms of reference were amended at the request of the Leader of the Opposition. The membership of the Franks committee was agreed by the Leader of the Opposition and by all the principal parties in the House. For a former Prime Minister, the right hon. Member for Cardiff, South-East (Mr. Callaghan), who does not like the outcome of such a report, to state that it is a whitewash does no great service to the constitutional process of this country or to our ability to conduct inquiries of this kind. I am not in a mood for either self-justification or recrimination. The British people have had enough of both. It was a tragic event, but we won." [36]

January 27th, at the UN, Britain responds to accusations that the Falklands are being *"militarized"* by pointing out that Argentina's complaint forgot to mention their unprovoked attack in April, 1982, and the obvious need to defend the Islanders from further invasion. [37]

January 31st, Britain's Parliament is informed that Chileans are keen to work in the Falklands.

"... a considerable number of Chileans have indicated an interest in emigrating to or working in the Falkland Islands. In consultation with the Falkland Islands Government, Her Majesty's consul in Santiago has informed applicants that their interest has been recorded; that at present all immigration into the islands is constrained by practical considerations; and that applicants will be contacted again if the situation offers more hope at a later stage." [38]

February 2nd, at Stanley, members of the House of Commons Select Committee on Foreign Affairs arrive.

"The nine men with their four assistants arrived in Stanley on the 2nd February and met the press at a short conference in Government House that evening. The Chairman, Sir Antony Kershaw expressed the brief of his Committee: "We are to make a report to the House of Commons about British foreign policy in relation to the Falkland Islands and other South American states in the light of recent events in the South Atlantic". It soon

34 Francis Pym MP, Secretary of State for Foreign and Commonwealth Affairs
35 Former British Prime Minister, James Callaghan MP.
36 Sir John Nott MP
37 *UN Document A/38/83*
38 *HC Deb 31 January 1983 vol.36 cc29-30W*

became apparent, however, that the all-party group of politicians had a more specific task – a search for a peaceful and definitive solution to the dispute; an alternative to 'Fortress Falklands'. … Dennis Canavan caused a near uproar at Government House … the MP referred to Sir Rex as an "Imperialistic clown". …" [39]

February 3rd, at the Town Hall in Stanley, the Foreign Affairs Committee conduct a public inquiry.

> *"They took formal evidence in public for two days … Witnesses were without exception totally opposed to negotiations with Argentina over sovereignty, but close questioning by members of both political persuasions brought into the open aspects which Islanders previously preferred not to think about. For example, witnesses were asked how long they thought UK could afford to support a Fortress Falklands policy,… they were invited to consider whether the position could be Internationalised by some form of condominium over the Islands, by UN Trusteeship or by forming a South Atlantic Alliance with South American countries. These suggestions did not appeal to witnesses. Most said that, if the Islands were not to remain British, they would prefer to leave,.."* [40]

"Many Falkland Islanders, at least those who attended the Spanish Inquisition-style public hearing conducted by the Parliamentary Foreign Affairs Committee or met the men informally, found themselves discovering again old feelings and emotions that they thought had died with the war: those of concern about the future. Suspicion, and fear that perhaps not as many people in the UK as they assumed are on their side. … Many people gave formal evidence at the dauntingly solemn hearings in the Town Hall. … in almost every case those testifying to the committee were asked if they had any idea how <u>the</u> problem might be solved. Sir Rex Hunt, the first to appear before the committee, was asked by Labour MP George Foulkes, who is very outspoken in his opposition to Mr's Thatcher's Falklands policy, whether he thought "Islanders have contemplated the possibility of a third party becoming involved", with the UK government still represented in the Falklands. The Civil Commissioner (Rex Hunt) replied: "I'm quite sure the Islanders would welcome any sort of cooperation as long as it was not from Argentina". … The Parliamentarians gave us a lot to think about and a lot that we didn't want to hear – in fact some things that we never thought we would hear again." [41]

An Argentine Military Cemetery at Fish Creek, some 45 miles outside Stanley, is consecrated. [42]

"… founded by the British in 1983, around six months after the end of the war. It was made up of 237 white-painted cedar crosses and one much bigger cross, all surrounded by a narrow fence, also made out of cedar."[43]

"The cemetery was created in a remote location, capriciously chosen by the British to sweep it under the carpet of secrecy. 89 kilometers from Puerto Argentino (Stanley) and 7 from Pradera del Ganso (Darwin), it can be seen in the distance as a white patch that stands out among so much grey and breaks the monotony of a landscape dominated by Falkland peat, the wind, and flocks of sheep. … In total, 237 bodies were buried: 126 unidentified, many of them in mass graves." [44]

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39 *Penguin News* February 9, 1983. Canavan was the Labour MP for West Stirlingshire.

40 *Hunt to FCO February 11, 1983 Telegram No. 104* Margaret Thatcher Foundation

41 *Penguin News* February 9, 1983. Original emphasis. For George Foulkes MP, see the Commons debate of June 15, 1982 (https://api.parliament.uk/historic-hansard/commons/1982/jun/15/falkland-islands at c.736).

42 In Argentina generally known as the Darwin cemetery. It is not. That settlement has its own burial ground.

43 *Argentine Soldier Known unto God: The Darwin Cemetery and Conflicts in the Retelling of the Falklands/Malvinas War* J. Rubensten 2011

44 *Malvinas: los detalles del plan para concluir la identificación de los soldados enterrados en las islas* Página 12 April 1, 2025

"Brook Hardcastle, representative of the Falkland Islands Company, and Eric Goss, director of the Goose Green settlement, were the ones who, along with Geoffrey Cardozo, chose the location for the cemetery. They looked for an inhospitable area far from any settlement and installed it on a hillside overlooking the sea, so that it would not be visible to the occasional passing traveler." [45]

"The design and layout of the cemetery are in accordance with the model of the Commonwealth War Graves Commission (CWGC), the organisation that since the First World War has been in charge of all the cemeteries containing the remains of British soldiers in the world." [46]

February 12th, at Stanley, seven members of Britain's Parliamentary Select Committee on Defence arrive. [47]

In Washington DC, an American assessment of the lessons to be learned from the Falklands War is published. [48]

> *"The Argentine armed forces relied heavily on conscription and had a low experience level, being trained primarily for internal security and border defense. …*
>
> *Argentine Air Force and Navy pilots performed extremely effectively, demonstrating a high degree of dedication and courage. The approximately 1,000 Argentine Marines who took part in the conflict showed a considerably higher level of experience and morale than their Army counterparts, who were generally young, inexperienced conscripts with only a few months service and only minimal training.*
>
> *A comparison of staff planning, logistic support, troop employment, and overall combat condition of ground troops suggests a substantial British advantage in quality of leadership preceding and during the battle."*

"The overall lessons of the Falklands conflict are currently being studied in great detail by a study group formed by the Secretary of Defense. That effort is expected to be completed in the Summer of 1983. The purpose of this report is to present an unclassified summary of the Department of the Navy's study of the conflict in the South Atlantic." [49]

February 17th, in the Falkland Islands, the task of gathering together Argentina's war dead is completed.

"The Darwin (sic) cemetery received the 246 bodies, almost half of them (un)identified, with military honours for the fallen, in a ceremony accompanied by a religious service. (Capt.) Cardozo left a detailed report on the work carried out, with data, samples, and signals that would allow the Argentine government to identify those 121 soldiers. At that time it was believed that there were 119 because, due to skeletonization and the state in which the part of some bodies had been found, it was impossible to individualize them. … the Argentine government had already been called to come and identify its dead before February 19, 1983, and no one came."[50]

"There were no dental records, no fingerprints, no assistance with details or local knowledge of an Argentine military nature. On one occasion I found a military number on a body, which I later learned could be personal identification data for the soldier, but I had no further information on the matter." [51]

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45 Padilla 2025
46 *Malvinas: Identidad de Heroes* Daniel Santa Cruz 2022
47 Sir Timothy Kitson, Michael Marshall, Richard Crawshaw, Dr. John Gilbert, Sir John Langford-Holt, Dick Douglas and Christopher Patten. Remained five days. Concerned primarily with military-civilian relations and a new airport.
48 *Lessons of the Falklands: Summary Report: February 1983: Office of Program Appraisal: Dept. of the Navy.* See - https://apps.dtic.mil/sti/tr/pdf/ADA133333.pdf
49 *Ibid.*I am unable to locate the Summer 1983 report. Probably remains classified.
50 Santa Cruz 2022
51 Capt. Geoffrey Cardozo quoted in Santa Cruz 2022

From his home in West Germany, on the same day, Professor Frederich Hayek has a letter published in Britain's *The Times* newspaper.

> *"Sir, Though I can well understand that the British Government does not wish to mention this, Argentina ought perhaps to be reminded that no rule of international law would forbid to retort to another military attack on what for 150 years has been under the jurisdiction of Britain by some counter attack on the geographical source of such bellicose action. That might well be a more effective protection than turning the Falklands into a Fortress. An aggressor has no right to demand that hostile action be confined to the region he chooses."* [52]

February 23rd, from Edinburgh, Scotland, the Chairman of 'Christian Salvesen Ltd.', informs the Foreign Office that Constantino Davidoff is seeking new associates; still intent upon pursuing his contract to remove the scrap metal from South Georgia; *"Mr. Ure reminded Mr. Elliot that Davidoff had knowingly flouted the immigration and other regulations applying on South Georgia and had rendered himself totally unacceptable to the British authorities by so doing. On the most charitable interpretation he had been an instrument in precipitating the recent conflict and his participation in any future operations to remove the whaling stations would therefore be quite unacceptable."* [53]

February 28th, off the Falklands, HM Submarine *Osiris* arrives on patrol.

March 1st, in Los Angeles, during an official visit, Queen Elizabeth II thanks the US for its support in 1982.

"Queen Elizabeth II today made the only speech scheduled in her West Coast visit, thanking the United States for supporting Britain in its conflict over the Falkland Islands. The Queen made the five-minute speech in the marble chamber of the Los Angeles City Council before more than 400 guests of Mayor Tom Bradley and other city officials. ... "As a nation, we in Britain were called on last year to defend that same principle of self-determination in the Falkland Islands", she said. "The support of your Government and of the American people touched us deeply and demonstrated to the world that our close relationship is based on our shared commitment to the same values"." [54]

March 7th, in Buenos Aires, a group calling itself the 'Centre of Volunteers for the Fatherland' hand a letter in to the Uruguayan Embassy in Buenos Aires; requesting assistance in getting a group of Argentine next-of-kin to the Falklands. [55]

> *"... they are described in the Argentine press as "as a group of ex-combatants of the Falklands War"... they are requesting permission to return to the Islands with the "cooperation of the ICRC and the protection of the United Nations". Their representative Destefanis (sic) ... said that it was humanitarian and non-political and that he intended to hire a boat and set sail from Montevideo... He denied any official links..."* [56]

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52 *The Times* February 17, 1983 p.11. Hayek was an Austrian-British academic in the field of economics, political philosophy and intellectual history. Contrary to many more recent assertions, this was not a call for a bombing campaign against Argentina. It was a suggestion that the threat of such, was a better option than fortifying the Falkland Islands.

53 *Falkland Island Dependencies: Whaling Stations February 25, 1983.* FCO note to Downing Street.

54 *New York Times* March 1, 1983

55 *Hutchinson (Montevideo) to FCO March 24, 983 Telegram No. 167* Margaret Thatcher Foundation

56 *Holmes (FCO) to Coles (Downing Street) March 7, 1983* at the Margaret Thatcher Foundation. This came at the same time as proposals were moving forward for a visit by British next-of-kin who were to fly via Montevideo en-route to the Islands. Suspicions were therefore raised that Osvaldo Destefani and his group were tools of the Argentine Government attempting to exploit Uruguayan sensitivities regarding the British plans. See below.

In New Dehli, India, on the same day, the seventh summit of the Non-Aligned Movement (NAM) convenes. [57]

> *"156. The Heads of State or Government reiterated their firm support for the Republic of Argentina's right to have its sovereignty over the Malvinas Islands restituted through negotiations. They urged that these negotiations between the Governments of Argentina and the United Kingdom be reopened with the participation and good offices of the United Nations Secretary-General and reaffirmed the need far the parties to take due account of the interests of the population of the Islands. This would ensure a speedy, peaceful arid just solution to the question in conformity with the principles end decisions of the Movement of Non-Aligned Countries on the subject and with United Nations General Assembly resolutions 1514 (XV), 2065 (XX), 3160 (XXVIII), 31/49 and 37/Q.*
>
> *157. The Conference recognized that the Malvinas, South Georgia and the South Sandwich Islands are an integral part of the Latin America region and accordingly expressed its satisfaction with the solidarity and firm support given by the Latin American and other non-aligned countries to the Republic of Argentina in its efforts to settle the sovereignty dispute end prevent the consolidation of the colonial situation existing in these islands.*
>
> *158. At the came time the Conference considered that the massive military and navel presence and the activities of the United Kingdom of Great Britain end Northern Ireland in the Malvinas Islands region are a cause for grave concern to the countries of the region and adversely effect stability in. the area."*[58]

March 11th, in the South Atlantic, off the Rio de la Plata, HMS *Osiris* tracks a patrol frigate ARA Guerrico. [59]

March 15th, in London, a letter bomb addressed to Prime Minister Margaret Thatcher is intercepted and defused at 10, Downing Street. Another letter bomb, delivered to the US Navy's European Headquarters in London, explodes, causing minor injuries.

March 17th, the *New York Times* reports:

> *"An Argentine group opposed to British rule of the Falkland Islands has claimed responsibility for letter bombs sent Tuesday and Wednesday to Prime Minister Margaret Thatcher and the European headquarters of the United States Navy. A man who said he represented the group told the Argentine press agency Diarios y Noticias that the group was also planning a series of attacks against British schools and institutions in Argentina ..."*

In Buenos Aires, Argentine Law *22,769* establishes April 2nd as a public holiday; to be known as the *Day of the Malvinas, South Georgias and South Sandwich Islands*. Argentina's postal services issue a stamp set commemorating the *'First Recovery of the Malvinas, South Georgias and South Sandwich Islands'*. To the annoyance of the Chilean government, Cape Horn is shown as Argentine territory. [60]

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57 Formed in 1961 with 25 members, the Non-Aligned Movement had 101 members in 1983. The majority of members of the UN's Decolonization Committee (C24) are NAM members. Argentina had joined in 1973. It would leave in 1991.

58 *Summit Report in Letter dated 30 March 1983 from the Permanent Representative of India to the United nations addressed to the Secretary General UN Doc A/38/132*

59 The submarine patrolled the Argentine coast for a period of ten days, undetected. See - https://thinpinstripedline.blogspot.com/2024/09/hands-to-action-stations-royal-navy.html

60 Over time, this holiday was subject to a number of changes eventually becoming Veterans Day in 1992. See footnote to November 30, 1973

March 24th, from Stanley, Civil Commissioner Rex Hunt, informed of the group of Argentine next-of-kin hoping to sail to the Islands, telegrams the Foreign Office in London.

> *"Councillors wished me to emphasise to you that they fully understand the wider considerations … Their immediate reaction... was one of total opposition but, after lengthy discussion, they instructed me to say that they would agree to accept a visit by Argentine next of kin on the following conditions: A. Argentina must first declare a formal cessation of hostilities, B. Next of kin must travel with valid visas issued by FIG, C. Next of kin must be close relatives of named dead... I presume that these conditions will be totally unacceptable to Argentine Government, …"* [61]

March 25th, in London, the Foreign Office request a decision on the Argentine next-of-kin proposal.

> *"… in the absence of an answer to his request, Senor Destefanis may sail anyway. He has claimed to the International Committee of the Red Cross that he has a ship at his disposal and that 211 relatives of Argentine soldiers killed in the fighting are ready to make the journey. … permission to allow such a visit is the responsibility of the Falkland Islands Government rather than the British Government."* [62]

"On March 29, 1983, the British government authorised a trip, considering it a humanitarian matter." [63]

March 30th, at the UN, Argentina draws attention to; *"... continuous public pronouncements by the highest British authorities that the United Kingdom was not prepared to negotiate on the sovereignty of the territories and asserted that that attitude was a challenge to the decisions of the Security Council and the Assembly."* [64]

April 2nd, Argentina's celebrates its first, *Day of the Malvinas, South Georgias and South Sandwich Islands.* [65]

"The first anniversary of the conflict was officially decreed to be a national holiday to remember "the first anniversary of the attempted recovery of the Malvinas Islands". The official name would be "Day of the Malvinas, South Georgia and South Sandwich Islands" and its objective to become "a permanent manner of remembering and reaffirming the legitimate right of the Nation over these territories and to honor the memory of those who gave their lives in its recovery and defense". The official remembrance day was aimed at narrowing the gap between the civilian society and the Armed Forces after the defeat, as well as the differences inside the Armed Forces themselves. During a mass, it was said that "on the Malvinas, the blood of officer, non-commissioned officers and soldiers was spilt" while at the official ceremony that took place on April 2 the military vicar stated in his homily that he expected that "a political defeat does not follow the military defeat [...] We reject a superficial, anti-establishment, anti-Malvinas Argentina [...] That the loss of life and the spilt blood has not been in vain". The reference to death in battle positioned the 1982 war within the intangible terrain of all the facts that make up our national history." [66]

April 5th, from the UK, 530 relatives of Britain's dead in the Falklands War set out for Stanley.

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61 *Hunt to FCO March 24, 1983* Margaret Thatcher Foundation

62 *Goodall to Thatcher March 25, 1983 Ref. BO6750* Margaret Thatcher Foundation

63 Padilla 2025. See April 19, 1983, below.

64 General Assembly resolutions are only advisory while Security Council resolutions are mandatory. However, Argentina had breached SCR 502, and so could not use the SC resolutions against the UK.

65 And last. The government moved the June 10th "Día de la Afirmación de los Derechos Argentinos sobre las Malvinas, islas y sector Antártico" to April 2nd and made it a public holiday. In 1984, the Day of Affirmation moved back to June 10th but retained the day off, and in 1992 April 2nd became 'Veterans Day' without a day off. In 2000, the day off was switched. Confused? So was everyone else.

66 *Malvinas/Falklands War: Changes in the Idea of Nationhood, the Local and National, in a Post-Dictatorship Context—Argentina, 1982–2007* Federico Lorenz 2020

In Mexico. on the same day, the annual conference of the International Studies Association (ISA) opens.

"Opportunities for informal conversations between British and Argentine academics at the ISA gave rise to the suggestion that a problem solving initiative might well be helpful in seeking out a resolution of the conflict over the Falklands/Malvinas Islands, … Edward Azar, a Lebanese scholar working in the United States, and John Burton, an Australian, offered to host such an exercise at the Center for International Development in Maryland, where Azar was the Director." [67]

April 8th, *The New York* Times reports:

> *"Representatives of families seeking information on more than 500 Argentine servicemen listed as missing in the Falkland war a year ago were told by Britain today that it had no secret clues as to their fate. The three Argentines, one of whom lost a pilot son, said after the meeting with a Foreign Office official that they were satisfied with what they had been told. Their trip here had been prompted by confusion at home over the identities of the about 1,000 Argentines who were dead or missing after the British retook the islands last June. There are also rumours in Argentina that the British have maintained secret prisoner-of-war camps on remote islands in the South Atlantic. The Foreign Office official, Cranley Onslow, said after the meeting with the group that he could give them assurances that no Argentines had been held since last July and that London had provided Buenos Aires with all possible information on Argentine casualties."*

April 9th, in the UK, a second fund – the Falklands Fund – is registered with the Charity Commission.

April 19th, Prime Minister Thatcher requests that consideration be given to extending the Falkland Islands territorial sea from three to 12 miles. [68]

"An extension of the territorial sea around the Falkland islands would confer no particular defence advantages, and any economic advantages could be obtained by other means (e.g. declaring fishing limits)."[69]

April 28th, in London, the proposed Argentine next-of-kin visit is reconsidered; *"ICRC (Red Cross) has decided it could not be associated with Argentine next of kin visit… HMG has therefore concluded that visit should not be authorised. Destefanis has announced he still intends to go ahead … and expects to sail in vessel Lago Lacar on 30 April. … If Lago Lacar enters FIPZ it does so without necessary authority from HMG and is to be treated accordingly."* [70]

April 29th, Buenos Aires is informed of the UK's decision not to permit a visit by Argentine next-of-kin.

"… just one day before the departure, the British Foreign Office warned: "The announced visit is unacceptable to the British government and will be treated as such". The trip was also prohibited by the Argentine Military Committee …" [71]

April 30th, in Argentina, *Lago Lacar*, carrying Argentine next-of-kin, is prevented from leaving for the Islands by port authorities; *"The British warned that the crossing of territorial waters would be considered an act of aggression, and the boat was forced to turn back."* [72]

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67 *Ripe for Contribution? The Falklands-Malvinas War and the Utility of Problems-Solving Workshops* Christopher Mitchell 2000 *cf.* September, 1983

68 Elgood 2025 citing *MTF T639/222* p.99

69 *Howe to Thatcher October 31 1983.* See 1986 & 1989, below.

70 *Ministry of Defence Memorandum (MO 5/21) April 28, 1983* Margaret Thatcher Foundation.

71 Padilla 2025

72 Rubensten 2011. Conflicting accounts. While there is no clear evidence that the ship actually sailed, other reports suggest that, outside the port, the relatives held a ceremony for those lost in the *Belgrano*, throwing flowers into the sea.

In Washington DC, the US Naval Institute publishes a report by Admiral Stansfield Turned US Navy (Retired).

> *"The outcome of the war on the land was a foregone conclusion once the contest for control of the sea line of supply was over. The British troops could have performed badly and still have won simply because they were assured of a continuing supply of beans, bullets, and fuel, and the Argentines on the Falklands were bound to have run out."* [73]

May 9th, in the UK, Margaret Thatcher calls a General Election. Parliament's dissolution interrupts the consideration by the Foreign Affairs Committee of its Chairman's draft report.

> *"Your Committee have reached the following conclusions in respect of Argentine and British claims to the Falkland Islands prior to the Argentine invasion in 1982: (i) at the time of Britain's occupation of the Islands in 1833, her title to sovereignty over East (but not West) Falkland was in doubt; (ii) Britain's acquisition of the whole of the Falkland Islands was not in 1833 an illegal act; and (iii) Britain's title to the Islands on the basis of acquisitive prescription following the occupation of 1833 had considerable validity in view of Argentina's failure to protest during most of the period between 1849 and 1908. Your Committee therefore do not doubt the legality of Britain's claim."* [74]

From London, the British government proposes that Argentina resume the bilateral Air Services Agreement. There is no response from Buenos Aires. [75]

May 18th, at the UN, Britain responds to Argentina's complaint of March 30th;*"... the continuing tension in the South Atlantic lay in the refusal of Argentina to declare a definitive cessation of hostilities and to renounce the use of force as a means of resolving the dispute."* [76]

May 24th, in the UK, during an interview on BBC's Nationwide *On the Spot* election television special, Prime Minister Margaret Thatcher is confronted by an audience member – Diana Gould – regarding the sinking of the ARA *Belgrano*. Gould persistently asks why the PM had given the order. Thatcher appears uncomfortable with the question, but responds; *"One day, all of the facts, in about 30 years time, will be published."* [77]

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73 *The Unobvious Lessons of the Falklands War* April 1983. See - https://www.usni.org/magazines/proceedings/1983/april/unobvious-lessons-falklands-war

74 From Kershaw's initial draft report – *A policy for the Falkland Islands, 1982/83* (Chairman, Foreign Affairs Committee, House of Commons) quoted in *An Annotated Legal Chronology of the Malvinas (Falkland) Islands Controversy* E. Ferrer-Vieyra 1985. *cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984.* The original committee was unable to agree on the final report before the dissolution date. As a result, its work was passed on to the successor committee which was not formed until December, 1983. Despite Kershaw remaining as Chairman, his original draft was substantially changed by the successor committee. *cf.* October, 1984

75 *Fifth Report from the Foreign Affairs Committee: Session 1983-84: Falkland Islands: Observations by Her Majesty's Government* February 1985 para.22

76 *UN Document A/38/208*

77 Thatcher considered that she had been set up by the BBC, leaving her unprepared for a question which she knew contained a number of potential difficulties. Not least that she had not given an order to sink the Argentine ship. What Thatcher did know, however, was that she had requested a report on the sinking a few months after the war. Prepared by Major David Thorp, *The Sinking of the Belgrano* has never been published, although many of its findings were reported in Sir Lawrence Freedman's *Official History* in 2005. Thorp's general conclusion had been, based upon signals information, that the *Belgrano* was part of a pincer movement and was intending to sail into the Exclusion Zone. It seems likely that Thatcher had been unwilling to answer Gould's questions in case her words disclosed the extent of Britain's eavesdropping capability. Preferring a little embarrassment, as an alternative to giving information valuable to an enemy.

"For decades debate and recrimination has raged over where the ship was heading when it was torpedoed by a Royal Navy submarine. Britain received international criticism after the sinking after the Argentine Junta announced that the warship had been returning to its home port and was outside the 200 mile exclusion zone imposed by Whitehall. But Major David Thorp, who spent 34 years working as a signals expert in military intelligence, has disclosed for the first time that he was asked to carry out a trawl of all the intelligence on the sinking at the direct request of Margaret Thatcher a few months after the end of the war. He was ordered to compile a report for the Prime Minister ... From his own signals intercepts and those from other Government agencies, he proved that the Argentine cruiser was heading into the exclusion zone. Major Thorp was in charge of a top secret signals interception section hidden on the amphibious warship Intrepid as it steamed with the Task Force. Around Ascension Island, 4,000 miles from the Falklands, his team began picking up naval communications sent to the Argentine fleet which they were easily able to decipher. The report states that in late April 1982, they intercepted a message sent from naval headquarters ordering the Belgrano and its escorts to a grid reference within the exclusion zone and not back to base as the Argentines later claimed." [78]

May 31st, at Port Stanley, on the recommendation of Shackleton's report, a Falkland Islands Development Corporation is established. A quasi-autonomous government-funded body tasked to encourage and develop the commercial sector of the Islands with a budget of £31 million to spend over five years on development projects.[79]

In **June**, *Penguin News* reports:

> *"It's now almost a year since the occupation ended … Stanley has changed: the harbour is full of ships, the sky is seldom empty of aircraft and the streets are full of traffic."* [80]

June 9th, in the UK, a General Election returns the Conservative Party, and Thatcher, to government. [81]

"Mrs Thatcher's decisive and determined stand during the Falklands crisis in 1982 has been widely credited with restoring the electoral fortunes of the Conservative party in the run-up to the 1983 general election. This article argues that the Falklands war produced a boost to Conservative popularity of at most three percentage points for a period of only three months. Government popularity was already accelerating as a result of macroeconomic factors before the outbreak of the Falklands crisis, ... at the root of the revival of Mrs Thatcher's political fortunes..." [82]

"Received wisdom seems to have it that the "Falklands Factor" was the political making of Margaret Thatcher, but data from the Ipsos Public Affairs Archive says something quite different. ... Mrs. Thatcher's ratings and the Tory poll share had begun to climb in advance of the invasion not least because of the perceived improvement in the economy. ... while the legacy of the conflict for Mrs. Thatcher's ability to ride out first term problems seems beyond doubt, its effect in terms of the British public's political attitudes is probably overstated. History ought perhaps to recall the Labour Party's 1983 manifesto ("the longest suicide note in history") as being more decisive in shaping 1980s British politics, but one suspects that the images of the British-Argentine war in the Atlantic will linger longer in our collective memory." [83]

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78 *Belgrano was heading to the Falklands, secret papers reveal* in *The Daily Telegraph* December 26, 2011

79 Operations proper commenced in July, 1984 following the necessary legislation coming into effect on June 14, 1984.

80 *Penguin News* June 1983

81 It is often claimed that without the success of the Falklands War, Margaret Thatcher would have been relegated to the Opposition benches. Moot at best. A Gallup poll of March 31, 1982, on the eve of the Argentine invasion, put the Conservative Party two percentage points ahead of the opposition.

82 *Government Popularity and the Falklands War: A Reassessment* D. Saunders, H. Ward, D.Marsh, T. Fletcher in *British Journal of Political Science* July, 1987 vol.17 no.3 pp.281-313

83 *Political Commentary - The 'Falklands Factor' Revisited* IPSOS April 10, 2007

On 9 June Mrs Thatcher won a decisive election victory with a majority of 144 seats, enabling her to replace Pym with Geoffrey Howe." [84]

From Buenos Aires, a programme to build a ground-to-ground missile capable of reaching the Falkland Islands is initiated; *"... the Cóndor II programme continued (it had been initiated immediately after the defeat by the military government) for the development of a missile capable of reaching the Islands. The air force (like many others) did not feel defeated..."* [85]

June 27th, in London, a new airport for the Falklands is announced in the House of Commons.

> *"We have now decided that the right course is to build at Mount Pleasant. This is less expensive, even allowing for a road between Mount Pleasant and Stanley, and is much less likely to involve unforeseen delays and interruptions to the construction work. Most important, the use of RAF Stanley by the garrison will not be restricted while the new airport is being built. The new airfield will be able to operate wide-bodied aircraft, civil as well as military."* [86]

June 28th, in a letter to the UN, Argentina declares that the UK is; *"... not yet ready to co-operate in seeking a speedy and definitive negotiated solution to the sovereignty dispute with Argentina... Indeed, the British authorities seem to be bent on maintaining the climate of confrontation and consolidating their illegal colonial presence in Argentine territory"* [87]

July 16th, in New York, Argentina complains to the United Nations about Britain's plans to build a new airfield.

> *"The decision of the British Government to build in the Malvinas an airfield whose characteristics leave no doubt as to the intention to install a permanent military air base in the territory constitutes a marked escalation in the policy of provocation vis-a-vis Argentina, which will have consequences not only within the strict confines of the sovereignty dispute but also within the broader context of the security of the Latin American region, ..."* [88]

Argentina's representative also alleges that the UK plans; *"... to introduce nuclear weapons into the region..."* [89]

August 1st, near the Falklands archipelago, two Argentine fishing vessels, *Arcos* and *Rivera Vasca* are found 80 miles inside the exclusion zone. They are required to leave.

August 5th, an Argentine Navy *Electra* aircraft, on entering the exclusion zone, is challenged by a Royal Air Force *Phantom*.

August 6th, both *Arcos* and *Rivera Vasca* are found again within the exclusion zone. [90]

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84 Elgood 2025

85 *State, national identity and power: a historical tour in search of the causes of the Falklands–Malvinas War* Guillermo Mira and Fernando Pedrosa 2021 in *Revisiting the Falklands-Malvinas Question: Transnational and Interdisciplinary Perspectives* Guillermo Mira Delli-Zotti and Fernando Pedrosa (eds) 2021. No exact date available. Condor II, building on work started in 1979, was intended to be a ballistic missile capable of covering a distance of 500-700 km and capable of carrying a payload of some 500kg. In its development, Argentina sought technical assistance from Germany, Egypt and Iraq. Following pressure from the US, the program was officially terminated in 1993.

86 *Hansard* June 27, 1983

87 *UN Document A/38/287*

88 *UN Document A/38/301: Letter dated 16 July 1983 from the Charge d'Affairs of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

89 *UN Yearbook 1983*

90 All three incidents can be found in *UN Document S/16136*. Argentina complained to the UN on August 10, 1983

"On 10 August Argentina charged that on 1 August two fishing vessels, the Rivera Vasca and the Arcos, flying the Argentine flag and fishing in what it described as Argentine jurisdictional waters, were forced by British helicopters and a missile frigate to leave the area where the United Kingdom had illegally established a so-called exclusion zone. On 7 November(13) the United Kingdom stated that repeated incursions by the two vessels into the protection zone on 1, 5 and 6 August were attempts to bolster Argentine claims to sovereignty over the Falklands and to jurisdiction over their surrounding waters; it also reported an incursion on 5 August by an Argentine naval aircraft and its interception by two British aircraft, pointing out that such actions created the risk of a serious incident." [91]

In Buenos Aires, parts of the secret *Rattenbach Commission Report* are leaked to the press. [92]

"The leak to the press of some alleged copies of the Rattenbach report had a great impact on the population, especially the alleged request for the execution of the members of the Military Junta and the degradation and imprisonment of high-ranking officers." [93]

"A copy of the Rattenbach Report had been leaked to the Argentine press in an anonymous envelope found in the toilet of a bar in Retiro in Buenos Aires, and the conclusions and sentences requested by the commission for the accused were widely publicised in the country." [94]

August 19th, in London, the MOD consider the incursions by Argentine fishing vessels and speculate the possibility of a honey-trap stage managed to endanger a Royal Navy vessel. [95]

August 25th, from London Britain responds to Argentina's complaints of June 28th and July 16th, 1983.

> *"The United Kingdom rejects the allegations that the British Authorities are bent on maintaining a climate of confrontation, ... Far from seeking confrontation, the United Kingdom has taken initiatives towards the normalisation of relations between the two countries, to which Argentina has inadequately responded. ... recent incursions by both Argentine military aircraft and unauthorized civilian vessels have demonstrated the continuing need for measures to defend the Falkland Islands. ... The United Kingdom's attitude towards resolution 37/9 is well known. This resolution failed to give express recognition to the right of the people of the Falkland Islands to self-determination, and appeared to suggest that the status of the Islands should be changed irrespective of the manifest wishes of the Islanders.*
>
> *The reference in the Argentine letter of 28 June to the preservation of the way of life and traditions of the Falkland Islanders are no substitute for recognition of the fundamental right of self-determination."* [96]

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91 *UN Yearbook 1983*

92 In December, 1982, Lt.-General Benjamin Rattenbach had been commissioned to hold an inquiry into the 1982 war to assess the performance of the Argentine armed forces and consider possible criminal conduct as regards duty, discipline and honour. Also occasionally referred to as the Calvi Committee. See below.

93 Alejandro Amendolara in *Argentine Perspectives on the Falklands War: The Recovery and Loss of Las Malvinas* Nick Van der Bijl 2023

94 Van der Bijl 2023. See below

95 The possible use of a Argentine Air Force Super Etendard equipped with an Exocet missile was debated. It was concluded that a successful attack by the Argentines, who were still at war with the UK, would have considerable political advantages whilst the UK would have limited retaliatory options. The more-so as the US was repairing its relationship with South America and would be unwilling to offer further military support. The British concerns seem to have dwindled by the end of the year.

96 *UN Document A/38/362*. Also *FCO to UKMIS August 17, 1983 Telegram No. 384.*

August 31st, in New York, the UN's Special Committee on Decolonization (C24) meet to consider the Falklands – hearing petitions from Anthony Blake, John Cheek, Derek William (Harry) Rozee and Alexandro Jacob Betts.

"The Committee heard statements by the United Kingdom as the administering Power, by representatives of the Falklands Executive and Legislative Councils, by Argentina and by Committee members." [97]

September 1st, at the UN, the Special Committee concludes its hearing on the Falkland Islands.

"On 1 September, the Committee requested Argentina and the United Kingdom to resume negotiations, expressing support for a renewed good offices mission by the Secretary General based on the 1982 Assembly resolution and deciding to continue examining the question, subject to any directives by the Assembly." [98]

September 6th, in Stanley, *Penguin News* reports:

> *"Falkland United Nations emissaries John Cheek and Tony Blake returned from New York on the 6th September, having been told by the Committee of Twenty-Four on Decolonization that Britain and Argentina must resume negotiations. The motion urging a resumption of talks was supported by 19 countries, including the USSR, Cuba and Czechoslovakia. There were four abstentions, most notably Australia and Norway. Both countries expressed concern for the Islanders' rights of self-determination. One member country was not present during the voting. … Councillor Cheek, who argued against the resumption of negotiations, told the (Penguin News) that the Committee was extremely hostile. "It's a nasty committee, and that's putting it mildly", he said."* [99]

In the US, at Maryland University, a week long conference commences.

"… Professor John Burton, an academic specialising in the study of conflict and its resolution wanted to bring together people involved in the (Falklands) dispute. He convened a private conference, at the University of Maryland in September 1983, of a small number of politicians, diplomats and academics from Britain, Argentina, the United States and the Islands. George Foulkes MP (Labour)[100] and Cyril Townsend MP (Conservative) had served on the Select Committee and went to Maryland. Dr Walter Little from Liverpool University and Professor Chris Mitchell from City University also went to Maryland." [101]

"In anticipation of the forthcoming elections in Argentina, the organizers had invited parliamentarians from both the main political parties in Buenos Aires (Radical and Peronista). This first Argentine team contained a high level retired diplomat and was closely connected with the Argentine foreign ministry's "think tank," the Consejo Argentino para las Relaciones Internacionales (CARI). The British participants were more varied and reflected a clear reluctance on the part of anyone even remotely associated with the Thatcher government to be seen consorting with Argentineans so soon after the ending of the 1982 war. Two Members of Parliament from the (pre-1983 election) House of Commons Foreign Affairs Committee, and two academics made up the British team. The panel of facilitators was led by Azar and Burton and consisted largely of American academics who, much to their surprise, found themselves under attack by Argentinean participants for US policies of aiding Britain during the war. … At the end of the week, it was agreed that a useful channel had been opened between Buenos Aires and London and should be kept open." [102]

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97 *UN Year Book 1983* p.1084

98 *Ibid.*

99 *Penguin News* September 25, 1983.

100 During the Commons debate the day after Argentina's surrender, Foulkes had demanded to know of the Prime Minister what the cost of garrisoning and maintaining the islands "*in perpetuity*" would be, and how that money would be found (*HC Deb 15 June 1982 vol 25 cc729-41729 at 736*).

101 Taken from the South Atlantic Council's website, 2017

102 Mitchell 2000

In Buenos Aires, the *Commission of Relatives of the Fallen in the Malvinas & South Atlantic Islands* is founded.

"With Catholic nationalism as its ideological framework and the Virgin of Lujan as a recurring symbol, this group sort to highlight the values of soldiers; honour, sacrifice and responsibility … Its first president, Héctor Omar Cisneros, had to resign when it became known that, … he had been part of the Army Intelligence Battalion 601… One of its objectives was to control unruly relatives within the organization. … The fact that Cisneros headed the Commission of Relatives while belonging to the intelligence services confirms the actions deployed by the military government to hide what occurred" [103]

September 13th, in Buenos Aires, the Rattenbach Commission submits its report to the President.

> *"The Junta's conduct of the war was disorganized due to the lack of a clear military strategic objective from the outset. Upon taking the Malvinas Islands, the objective was to achieve negotiations through a short offensive, but when this failed to happen, the objective had to be changed and they went on the defensive.*
>
> *For this reason, only the initial part of the war was planned; however, the subsequent, more complicated and difficult part was postponed, and circumstances prevented such planning from being carried out properly, resulting in a disorganized and improvised outcome.*
>
> *A strategic defense plan for the islands, as well as the organization of logistics within the strategic and operational framework, was particularly lacking."* [104]

"…the Rattenbach Report identified the following assumptions erroneously made by the Military Junta, which would later affect all planning and decision-making: a. That the United Kingdom would limit itself to reacting diplomatically to the occupation of the islands; and that, if it eventually used military power, it would only be with deterrent intentions to protect its international image. b. That the United States (US) would not allow the military escalation of the conflict and would force the parties to find a negotiated solution. A decade after the end of hostilities, Alexander Haig, when asked what led the Argentines to believe the British would not fight, replied: "There were many factors at play. One is that, from the outset, it was simply impossible to convince the Junta that Britain would fight. They had concluded—from observing the decolonization process over the years—that Britain was weak and did not have the internal strength to defend a pile of rocks from a distance of thousands of miles. They also believed they were more important to the United States than they actually were"." [105]

"The final report concluded that strategic and operations planning was ill-conceived and poorly developed and defeat had been invited almost from the moment that President Reagan told President Galtieri that the US would 'necessarily' side with an ally, Great Britain. The navy was heavily criticised for its absence, while the Air Force and the majority of Army units were judged to have performed well. Field and air defence artillery, cavalry, helicopter and commando companies were assessed to have displayed a high degree of professionalism. The A4Q Skyhawks and Super Etendards pilots inflicting damage on the Royal Navy was out of proportion to their previous experience. The 5th Marines were credited with 'outstanding performance'. The report is critical of the quality of the Army leadership at all levels regarding the conscripts as cannon fodder

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103 Padilla 2025 citing *Un espia militar entre los familiares de Malvinas* in *Tres Lineas* March 24, 2010

104 *Informe de la Comisión de Análisis y Evaluación de las esponsabilidades del Conflicto del Atlántico Sur* 1983 chp.1

105 *Hacia una mirada diferente sobre la Guerra de Malvinas* Marcos Pablo Moloeznik & José Gabriel Paz 2022 in *A 40 años de la Guerra de Malvinas: una mirada diferente* Marcos Pablo Moloeznik & José Gabriel Paz (Coordinadores) 2022

and for failing to supply winter clothing, adequate food in a hostile environment and resorting to field punishments for the inexperienced – as opposed to demonstrating leadership. ...His report was scathing of the political and strategic decision to invade. ... Some chapters were particularly damning of the Junta." [106]

"The document states that the procedure adopted by the Military Junta to prepare the nation for war "contradicted the most basic planning standards..." ..." [107]

As the conclusions call for the prosecution and imprisonment of senior members of Galtieri's junta, a decision is made not to publish the Rattenbach Commission Report.

"*The military report on the Falklands recommended that (Galtieri) be stripped of his rank and shot.*" [108]

"*When the Military Junta received the report, it was decided that it should be kept secret. President General Reynaldo Bignone sanctioned a decree (2971/83) in which the character of the 'Political and Military Secret' was established, 'until such time the full exercise of sovereignty over the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands is achieved'.*" [109]

September 14th, at the UN, the Special Committee on Decolonization notes, *'... with concern...',* the Ascension Island military airfield; recalling UN resolutions concerning military bases and installations in colonial and non-self-governing territories. [110]

September 22nd, from Poole harbour in Dorset, the motor vessel *Dina Khalaf* sails with livestock for the Falkland islands. *Operation Noah's Ark* includes cattle, horses, sheep, pigs, goats and dogs. [111]

"It was exactly a year since Mr. Steve Whitley, the Falkland Islands veterinary surgeon, had put the idea of a Noah's Ark to General Mills of the Falklands Appeal. The Trustees agreed to fund the scheme within a budget of £17,000 and, when the list of islanders' requests was made known to the United Kingdom breeding societies, offers of animals and donations of money arrived from all over the country." [112]

September 25th, in the archipelago, Falkland Islands Summer Time (UTC/GMT -3) is introduced. [113]

September 29th, in New York, at the UN, in a speech to the General Assembly, Britain's Geoffrey Howe confirms that the UK will; *"... continue to defend the inalienable right of the people of the Falkland to self-determination, a right which they are no less entitled to than any other small island people ..."* [114]

October 14th, from Islamabad, the UK's Embassy inform the FCO that Pakistan is suggesting that the Falkland Islanders hold a referendum on sovereignty. The FCO responds that the outcome was obvious and such a referendum would be seen as a publicity stunt. [115]

October 17th, from the UN, Britain's Permanent Representative, John Thomson messages the FCO:

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106 Van der Bijl 2023
107 Padilla 2025
108 *The Telegraph* January 12, 2003
109 Alejandro Amendolara in Van der Bijl 2023. See - http://www.cescem.org.ar/informe_rattenbach/index.html
110 See UN GA resolution *2621 (XXV)* of October 1970. Wide Awake Airfield had been on Ascension Island for 40 years. For reasons that are not at all clear, Ascension Island – with no resident population – had been included as part of the St. Helena/Tristan da Cunha group when the UK submitted its list of Non-self Governing Territories in 1946.
111 A previous shipment had consisted of five cats and 20 budgerigars.
112 *Falkland Islands Association Newsletter* No.17 November 1983. The ship arrived in the Islands on October 28, 1983.
113 See 1912 and 2010
114 Quoted in *Britain and the Falklands: International Perspectives 1982-1990* J. Bagnall 2021 (published thesis) citing *FCO 7/5487 f590*
115 *Ibid.* citing *FCO 7/5487 f588*

"Our distaste for putting forward our own resolution or for amending the Argentine text is seen by some as a cloak for refusing to negotiate with the Argentines at all. Those who accept it is too soon to negotiate nevertheless want us to indicate that we will negotiate on the main issues at some point in the future. In short there is a good deal less sympathy for us than last year. As a result we are losing ground against the Argentine peace offensive." [116]

October 27th, in New York, the UN Secretary-General presents his report in pursuance to the request for his good offices in UN resolution 37/9 of November 4, 1982.

"... I communicated the contents of the resolution to the Governments of Argentina and the United Kingdom and expressed my desire to be of every assistance in facilitating a solution of the problem which would provide the basis for an enduring peace in the area.

I reiterated my offer in a subsequent letter addressed to both parties in July 1983. In addition, I had extensive exchanges with the two Governments concerned, including meetings with the President of Argentina and the prime Minister of the United Kingdom as well as with their respective Foreign Ministers.

4. The Governments of Argentina and the United Kingdom conveyed to me their respective positions, ...

5. While it is clear that negotiations cannot begin unless both parties agree, it is my belief that a resumption of dialogue, coupled with the adoption of confidence-building measures, can contribute to a normalization of the situation in the South Atlantic and open the way towards a lasting solution of the problem. For my part, I stand ready to assist both parties in this process." [117]

October 30th, in Argentina, legislative and presidential elections are held. Raúl Alfonsín of the Radical Civil Union, wins the Presidential contest; *"Spokesmen for the Radical Party have said that Argentina will seek a peaceful settlement of the Falklands dispute based on Argentine sovereignty."* [118]

In Kenya, an Argentine speaker, attending the Commonwealth Parliamentary Conference, asserts that Britain's 1983 amendment immigration legislation justifies Argentine claims that Falkland Islanders are, *"British people settling illegally on Argentine soil."* He denies the existence of any Islands culture, consciousness or identity.

November 1st, in London, Prime Minister Margaret Thatcher comments on the elections in Argentina.

"We are always pleased when a country returns to democracy. There can be no question about that. I hope, now that that country has returned to democratic ways, it will be prepared to consider better economic and commercial relations between itself and Britain. As to sovereignty, the Falkland Islands are British ..."

In Argentina, with an imminent change of government, the leaked Rattenbach Commission Report leads to allegations of negligence against sixteen Army, Navy and Air Force officers before the Supreme Council of the Armed Forces.

116 *FCO 7/5487 f618*
117 *UN Document A/38/532*
118 *Falkland Focus* November 1983

"The defendants, which included Galtieri, Anaya and Lami Dozo, were collectively accused of 'not being prepared for a confrontation of such characteristics' and ' failing to take advantage of diplomatic opportunities for an honourable and feasible solution'. Defendants also included those with Strategic Level responsibilities, such as Vice-Admiral José Lombardo, and those with direct command in Malvinas, including Generals Menéndez, Jofre and Parada." [119]

November 3rd, Argentine law *22,963* replaces laws *12,696* and *19,278*:

> *"In exercise of the powers conferred by Article 5 of the Statute for the National Reorganization process, the President of the Argentine Nation enacts and promulgates with force of law: Article 1 – The representation of the continental, insular and Antarctic territory of the Argentine Republic, published in the country in literary or graphic form with any format and purpose, as well as that originating from abroad intended to be distributed in the country, must strictly adhere to the official cartography established by the National Executive Branch through the National Geographic Institute (IGN)."* [120]

November 9th, in New York, the UK's Permanent Representative to the UN addresses the construction of the new airport in the Falklands

"Talk about a NATO base or about the United Kingdom's global strategic objectives is pure fantasy. The Falkland islands lie many thousands of miles outside the area covered by the North Atlantic Treaty and the Falkland Islands are not by any stretch of the imagination included in NATO plans and operations, nor would it be possible under the North Atlantic Treaty for them to be so included." [121]

November 13th, Dante Caputo, Argentina's new Foreign Minister, gives a speech to the UN.

> *"Argentinean Sovereignty over the Falklands is not negotiable. That is the starting point of negotiation. Regardless of how quick or slowly talks progress, or what concessions may be made on either side, at no moment will sovereignty be under discussion."* [122]

"The attention of most of the world's governments turned to the Falklands again earlier this months, when the General Assembly of the United Nations debated a motion urging the resumption of negotiations between Britain and Argentina. .... Sir John Thomson argued eloquently before the delegates, stressing the ironies and mistakes in the Argentine argument. He pointed out that the Argentines and their supporters were selecting certain clauses of the UN charter to support their cause, while ignoring others which undeniably show them to be wrong. "I ask for support for the charter", he said, "the whole charter and not an emasculated selective version. Let no-one come to me and say that they supported the resolution before us because it was in accordance with the charter". In a clever attack on the basis of the Argentine claim, Sir John said: "The distinguished Foreign Minister of Argentina rests his case partly on the denial of self-determination to the Falklanders and partly on his interpretation of 18th and 19th century history. Mr. President, as I say, those claims are spurious, but the point is that we are now in the 20th century and in the second half of the 20th century. We are in the age of the United Nations Charter. We are in the age when we care about the people involved". ..." [123]

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119 Van der Bijl 2023

120 In other words, all representations of Argentine territory must include its claims to The Falklands, South Georgia, the South Shetland Islands and Antarctica.

121 *UN Document A/38/577*. This appears to be answering speculation by Argentina in *UN Doc A/38/567*

122 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984* para.68

123 *Penguin News* November 21, 1983

Also in New York, at a meeting of the Organisation of American States (OAS), a resolution expressing concern at the lack of talks between the UK and Argentina sees eight Caribbean countries abstain. They complain that the resolution does not mention the Falklanders right to self-determination.

November 16th, at the UN, the General Assembly adopts resolution *38/12*. [124]

> *"Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace …*
>
> *1. Reiterates its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas)...*
>
> *2. Takes note of the report of the Secretary-General on the implementation of General Assembly resolution 37/9 …*
>
> *3. Requests the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 …* [125]
>
> *4. Requests the Secretary-General to submit a report to the General Assembly … on the progress made …"*

Exercising a right of reply, Britain's representative states that the resolution; *"… will make no difference to our commitment to the people of the Falkland Islands."* He calls upon Argentina to; *"… recognise that the Falkland Islanders have the same right to live under a Government of their choosing as do the people of Argentina."* [126]

In explanation of their vote; *"Fiji, Qatar and Samoa said they abstained because the resolution failed to provide the population adequate opportunity to express their wishes about the future."* [127]

"Falkland Island Legislative Councillors have been lobbying delegates to the UN General Assembly in New York and the Commonwealth Parliamentary Association (CPA) meeting in Nairobi. John Cheek (West Stanley) and Tony Blake (Camp), who spoke to the UN "decolonisation" committee during the summer, returned to New York in early November to address the plenary session on a motion requiring the governments of Argentina and Great Britain "to resume negotiations in order to find as soon as possible, a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands". The subsequent vote, little changed since last year, was 87 for, 9 against and 54 abstentions. The Foreign Office regarded the vote as a defeat for the Argentine. Last year the vote was 90 for, 12 against and 52 abstentions." [128]

November 19th, in Uruguay, Osvaldo Destefani, President of the Center of Volunteers for the Fatherland, smuggles himself onto Swedish steamship *Linblad Explorer*, bound for Port Stanley. After the ship has departed Montevideo, Destefani declares himself. He is locked in a cabin for the duration of the voyage and only released when the ship returns to Montevideo. [129]

November 22nd, in the Falklands, the Legislative Council recommends the imposition of an *'exclusive fishing zone'* to reduce uncontrolled fishing activities by foreign vessels; described as a *"free for all"* by Parliament's Select Committee on Foreign Affairs.

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124 For the full resolution see - https://research.un.org/en/docs/ga/quick/regular/38
125 For the Secretary-General's report, see October, 1984 below.
126 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984* para.79
127 *UN Yearbook 1983*
128 *Falkland Focus* November 1983
129 See March & April, 1983 above.

November 30th, in England, Lord Kennet, the Social Democratic Party spokesman on Foreign Affairs, tells a rally that Britain cannot afford 'Fortress Falkland' and that the archipelago should be handed over to the United Nations; *"However, they had not expected to find Kelpers in the audience."* [130]

December 1st, in Stanley, Standard Chartered Bank plc opens a branch; the Islands first commercial bank.

December 2nd, from Washington DC, President Reagan writes to PM Thatcher.

> *"As you know, Argentina has made steady progress in strengthening its protection of human rights. The fair, open and honest elections on October 30 are the latest manifestation of this progress. When President elect Alfonsin takes office on December 10, Argentina will have completed its return to democracy.*
>
> *In view of this and other relevant factors, I will be certifying to the U.S. Congress that Argentina has made significant progress in human rights and that making Argentina eligible for arms transfers is in the U.S. national interest. Our announcement will be made on December 7, just before the U.S. delegation arrives in Buenos Aires for the inauguration. Certification will be effective upon installation of the new government. I know this announcement will be a delicate question in Great Britain. However, as I suggested when we last met, and as subsequent consultations between our two governments have indicated, it is now appropriate and accurate to certify that Argentina has made significant progress in human rights. ... In my view, our normalization of relations with Argentina will be in the interests of the United States and Great Britain. Certification will help strengthen U.S. influence with Argentina and enable us to work more effectively to assure regional stability. The climate for dialogue and negotiation will be improved."*

In Buenos Aires, on the same day, an editorial in the national newspaper *La Nacion* criticises the secrecy surrounding the *Rattenbach Report*.

"Faced with the weight of what was presented before the Commission, Lieutenant General Cristino Nicolaides' decision was not to assume or commit to a ruling by the judges, (but) to transfer the (findings) to the new constitutional president and create a problem for him... Operation poisoned chalice was foiled within his own force, where the Army commander in chief least expected it. The "top secret document" that revealed the conclusions (not the interrogations) was sold to a weekly newspaper, after some negotiations that took place in the Petit Paris, ... For some, the withdrawal of power, in disarray, was the occasion for a deal." [131]

"The authorities should have remembered that once the war episode ended as it did, nothing would have helped the country more than a complete, rapid and immediate investigation made available to all citizens." [132]

December 7th, at the United Nations, the General Assembly adopts resolution *38/54: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*. This gives an instruction to the Special Committee on Decolonization.

> *"... pay particular attention to the small Territories, including the sending of visiting missions to them, as appropriate, and to recommend to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, freedom and independence:..."* [133]

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130 *Falkland Islands Newsletter No. 18 February 1984.* SDP = Social Democratic Party
131 *1982: Los documentos secretos de la guerra Malvinas/Falklands y el derrumbe del pro* J.B. Yofre 2011
132 Alejandro Amendolara in Van der Bijl 2023. *cf.* 2012
133 No UN 'mission' has ever visited the Falklands, despite repeated invitations.

December 8th, Cable & Wireless open a direct satellite link between the Falklands and the UK.

December 10th, in Argentina, Raúl Alfonsín becomes President and addresses Congress.

> *"In the case of the Islands Malvinas, Georgia of the South and Sandwich of the South, it is and it will always be our unrelinquished objective the recovery and definitive secure of the right from our nation to its sovereign territorial integrity. In this point we are inflexible and the sovereignty is a previous fact to the negotiation. We will impel the recovery of those insular territories and their definitive integration to the sovereignty of the Nation claiming with energy and decision the execution of the effective resolutions of the General Assembly of the United Nations. They exhort to the direct negotiation of all the aspects."* [134]

From London, PM Thatcher sends a message to Buenos Aires, via the Swiss Embassy, for transmission to the new President; *"While we have our differences, Britain is pleased with the restoration of democracy in Argentina, and extends its good wishes."* [135]

"In his reply Sr. Alfonsin said: "I recognise there were differences between us. But in the words of the English proverb, "where there's a will there's a way"." [136]

"... the new president advanced a demand that would be decisive later in the diplomatic negotiations with London during his government: the discussion of the sovereignty of the islands should be a previous step to the re-establishment of relations with the United Kingdom. However, the situation had changed..." [137]

"Alfonsín did not declare the cessation of hostilities in the Falklands - Malvinas, and that implied - at least theoretically, and as a warning to the British - that the conflict over the Islands could be restarted. In that context, Alfonsín did not yield to the pressure of the western powers and refused to sign the Nuclear Non-Proliferation Treaty, known as the Tlatelolco Treaty." [138]

After the ceremony, President Alfonsín has a meeting with US Vice-President Bush.

> *"He said bilateral relations suffered because of the Malvinas war, but this same problem could become a possible avenue to improve our relationship. The democracies of the world must be unified. The Malvinas issue divides them. It is important to begin to implement the UN resolution on the Malvinas. Conversations between the U.K. and Argentina should begin, even if with differing agendas, it was important to start talks. There must be an end to the exclusion zone and at all costs the conversion of the Islands into a military fortress must be stopped before the South Atlantic is turned into the North Atlantic."* [139]

Afraid that the 1982 defeat will weaken national unity over the Falklands, Alfonsín's administration commence a process of education (indoctrination). To separate the junta and its war from the question of the archipelagos' sovereignty. Alfonsín also reverses legislation passed by Bignone, and announces the prosecution of members of the previous military juntas, including Galtieri, Anaya and Lami Dozo – for incompetence during the Falklands War. [140]

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134 Quoted in *Prenegotiation and Mediation: the Anglo-Argentine diplomacy after the Falklands/Malvinas War (1983-1989)* Alejandro L. Corbacho 2000

135 *Foreign Relations of the United States: 1981-1988 vol XIII: Conflict in the South Atlantic 1981 – 1984* p.902

136 *Falkland Focus* December 1983

137 *La Diplomacia de los Non Papers como antecedente a los Acuerdos de Madrid* Luciano Herrero 2020 in *Dossier de investigación N°2: 'A 30 años de la firma de los Acuerdos de Madrid I y Madrid II'* ReFEM2065 April, 2020

138 Mira and Pedrosa 2021

139 *Department of State, Central Foreign Policy File, N830012–0498*

140 Not for starting a war, but for being too incompetent to win it. See May, 1986

"... the priority of the Alfonsin administration (1983-89) was institution-building. Inevitably, the focus of these efforts was largely domestic and political. The Radical administration also attached a high priority to promoting economic recovery and the re-establishment of good diplomatic relations, not least with neighbouring countries. Efforts were also made to normalise relations with the United Kingdom." [141]

"One of the first presidential measures was to annul by decree the holiday that the military government had established on April 2, transferring it to June 10, the date on which Luis Vernet had assumed (power) in 1829 as military commander of the Falkland Islands." [142]

"... "de-Malvinization" consisted of hiding the combatants and rejecting the idea that the Malvinas War was a national cause." [143]

"That was when a "de-Malvinization" process began. Some, perhaps in good faith because they identified the dictatorship with Malvinas; others, perhaps, as a subtle and intelligent strategy – subtle and intelligent – in order, precisely, to achieve the final purpose and aim: that we Argentinians should renounce definitively that which is rightfully ours." [144]

On the same day, US Secretary of State George Shultz meets with Britain's Foreign Secretary, Geoffrey Howe.

> *"Secretary of State George P. Shultz assured Britain today that the United States would consult "very carefully" with it before selling any arms to Argentina now that the American ban on such sales had been lifted. After meeting with Mr. Shultz, Sir Geoffrey Howe, the British Foreign Secretary, told British reporters that he had conveyed London's concerns to him. The British, who recovered the Falkland Islands after Argentina invaded them in April 1982, have repeatedly urged Washington not to provide Argentina with any arms that could be used in another attack on the Falklands, ... Sir Geoffrey said he was told that the American announcement on Thursday that the human rights situation in Argentina had improved sufficiently to allow arms sales to the country did not mean there would be "a blanket decision" to sell all kinds of arms to Argentina. Mr. Shultz, speaking at a news conference at the end of the NATO Foreign Ministers' meeting, was trying to head off another rift with Britain. Relations have been strained over Britain's criticism of the American invasion of Grenada and over the American role in the increasing level of fighting in Lebanon. In addition, American officials said the British press had been seizing upon opportunities to stress differences between the two countries. The arms decision was a major front-page story in London today."*

December 11th, Argentine newspaper, *Clarin,* suggests that Buenos Aires could announce an immediate cessation of the state of hostility provided that Britain suspends the construction work at Stanley airport and reduces the size of the exclusion zone. The editorial adds; *"the islands could immediately be leased to Great Britain for one period to be determined."* [145]

"A medium-term objective was to return to the situation prevailing in the Malvinas issue, prior to the war. We must not lose sight of the fact that before the 1982 war there were at least three proposals for the settlement of the dispute over the Malvinas dispute. The first, towards the end of the Sixties, the last to the members of the

141 Introduction to *Argentina: Foreign Relations and the New Foreign Policy Agenda* Colin M. Lewis & Celia Szusterman (eds) 1996

142 *Testigos de la derrota Malvinas: los soldados y la guerra durante la transición democrática argentina, 1982-1987* Federico Guillermo Lorenz 2006

143 *Malvinas between dictatorship and national Independence: Argentinian history in CFK's speeches* Paula Salerno 2019

144 President Cristina Kirchner in a speech of April 2, 2010. An attempt by the Peronist party to twist the objective of 'de-Malvinization' which, under Alfonisn, had been to maintain Argentina's claim to the Falklands by detaching it from the dictatorship's military adventurism.

145 Argentina had lost the war, but still failed to see that in doing so, they had also lost the argument.

dictatorship in 1982 and the concrete, to Peron, in 1974. This is why Alfonsin's government sought to return to the path of dialogue with London. This follows from what was stated by Lucio García del Solar, who said in the interview with this author, that "when I came to Argentina at the end of 1983, I interviewed Alfonsín and (he) told me that if we managed to bring the situation back to (that of) April 1, 1982 (he) was willing to send an Ambassador to London. It seemed to me a bold and very brave statement,... this revealed a very great optimism."..." [146]

In London, a new House of Commons Foreign Affairs Committee is formed.

> *"The inability of the last Committee to submit an agreed Report to the House, and the unfortunate delay in the reappointment of this and other Committees in the new Parliament, have placed on us an obligation to complete the work of our predecessors... Immediately after our reappointment in December 1983 we therefore decided to undertake a further inquiry into the future of the Falklands."*[147]

Following the September Maryland conference, a *South Atlantic Council* is established in the UK. [148]

"The Council originated from two strands of interest in the issue. Firstly, just before the announcement of the June 1983 general election, the House of Commons Select Committee on Foreign Affairs had been studying what options there were for the future of the Islands. The work was completed and the report was written and agreed, but it was not published because the election intervened. The Committee had unanimously agreed that there should be a negotiated settlement with Argentina and that "Fortress Falkland" was not tenable in the long-run. Secondly, Professor John Burton, an academic specialising in the study of conflict and its resolution wanted to bring together people involved in the dispute. He convened a private conference, at the University of Maryland in September 1983, ... The result was the creation of the South Atlantic Council, as a group of 50 people each with specialist involvement in the issue. It included Members of Parliament from all the main parties in both the House of Commons and the House of Lords, former diplomats, academics, business people and church leaders. It is a discreet lobby rather than a mass campaigning group and so was not well known, though Cyril Townsend and George Foulkes rapidly became major media contacts on the issue." [149]

"Part of SAC's task, as we see it, is to begin to explore alternatives, to act as a 'think-tank' for ideas an innovation leading towards a satisfactory solution, and to help a dialogue about the future and what it might hold. ... neither I nor the South Atlantic Council are presently advocating one policy or another, although we do feel that, at some stage in the not too distant future, the political future of the Islands has to be frankly discussed with all the parties involved." [150]

"As part of the Argentine strategy, Alfonsín affirmed that they also had planned to try to work with the opposition inside the British Parliament." [151]

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146 *La Cuestión Malvinas: una hoja de ruta. Herramientas para la política exterior argentina* Agustín Romero 2020. All proposals in the 1960s and 1970s were subject to Islander approval.

147 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984*

148 One of the founders was George Foulkes MP. This Council would seem to have been created in opposition to the UKFIC, the Falklands lobby, and consisted variously of 50 members (names never published), including politicians, academics and businessmen. Also a number of Argentines. Long considered pro-Argentine by the Falkland Islanders, although prominent members, such as Prof. Peter Willetts denied this. Fading after the 2013 Falklands referendum, the SAC finally ceased operations in 2025. It's papers are, apparently, to be archived at the University of Maryland. While the UKIC proved to be an effective lobby, it is hard to determine quite what the SAC achieved.

149 Taken from the Council's website, 2017.

150 Article by SAC's secretary, Dr. C. R. Mitchell in *Penguin News* October 1, 1984

151 *Prenegotiation and Mediation: the Anglo-Argentine diplomacy after the Falklands/Malvinas War (1983- 1989)* Alejandro L. Corbacho 2000 p.6 quoting a 1991 interview with Raúl Alfonsín.

1984 – January 2nd, Buenos Aires proposes a new formula for talks; *"…formal ceasing of the hostilities, elimination of the British protection area surrounding the islands, restoration of the diplomatic and commercial relationships, and reduction in the number of British troops garrisoning the islands. Once these steps were taken, open conversations could be renewed."* [152]

January 3rd, Argentina issues a press release.

> *"Today, 3 January, is the one hundred and fiftieth anniversary (sic) of Great Britain's illegal occupation of the Malvinas by force. On this anniversary of a sad event in our history, it is important to underscore the constant desire of the people and Government of Argentina to reverse the situation and restore the Malvinas, South georgia and the South Sandwich Islands to the national patrimony …"*[153]

January 5th, in England, Sir Philip Goodhart MP, writing in *The Times* newspaper, suggests that West Falkland Island be offered to Argentina to *"solve a problem."*

"As West Falklanders have often pointed out, the one thing that is absolutely certain, historically and legally, is that no one else has ever inhabited West Falkland except Britons." [154]

January 9th, in New York, at the UN, Argentina's permanent representative forwards a notification of the January 3rd press release to the UN Secretary-General; *"We cannot end this commemoration without remembering those young Argentine soldiers who gave their lives in the just cause of the fatherland."* [155]

January 11th, at Stanley, Baroness Young, Foreign Office Minister of State, arrives.

"The two most important meetings of the visit occurred on Monday, the Commissioners, and the Baroness with her advisors met at Government House around 11.30 am, and their discussions continued through lunch. The proceedings were, of course, confidential, but one tantalising, though disputed detail did leak out. One person who attended the meeting told the F. I. Broadcasting Station that the Baroness had indicated that a 200-mile maritime zone could be declared within one year. The Baroness later denied this, stating simply that the question is being "actively considered"." [156]

January 17th, before departing, Baroness Young addresses the press; *"We would like to see better bilateral relations with Argentina because we can see in a number of areas where there could be a way forward, for example in economic development or commercial development, but we are not going to negotiate sovereignty."*

January 19th, at Stanley, Britain's Secretary of State for Defence, Michael Heseltine, arrives, accompanied by Keith Hanson MP and Air Marshall Sir Peter Harding.

January 21st, Heseltine meets Islands' Councillors; *"We wish we had done more in the past… There is a need to seek every reasonable opportunity to enhance the opportunities for the people."* [157]

January 22nd, Michael Heseltine leaves the Falklands in a Nimrod aircraft. [158]

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152 *Clarin* March 1, 1984

153 Taken from *UN Doc A/39/72.* In fact, 1984 was the 151st anniversary of a small British force ejecting trespassers from Buenos Aires from the Falkland Islands. Argentina corrected this in a letter to the UN dated January 17, 1984. UN Doc *A/39/72Corr.1*

154 *Falkland Islands Newsletter* February 1984 no.18 p.1

155 *UN Doc A/39/72.*

156 *Penguin News* January 21, 1984

157 *Ibid.* February 27, 1984

158 Record breaking return in 17.5 hours, with three mid-air refuels.

January 26th, the British Government, via the Swiss, proposes talks regarding the repatriation of Argentine dead, renewal of commercial and financial links and the restoration of diplomatic relations. [159]

> *"There they are. Still. They are not in a strange land. It is their homeland more than ours; They have given it their blood, their dreams, their courage, their fears, their adolescence, because there they broke that fleeting moment that turns a child into a man. And they have given him more because the dead feed his petty land. There they are. They are the ones who fought a war of their own, alone. Without knowing the political interests that made them become heroes before living as men. They will not rest in peace until, with or without the Malvinas, Argentina is the country for which they offered their twenty years."* [160]

"... we had asked the Swiss, as the protecting power, to put to the Argentine Government the possibility of diplomatic contacts between Argentina and Britain to establish how far we could go in improving relations on commercial and other matters. We awaited a reply." [161]

"... the British considered their victory in the Falklands War as a sufficient reason to end the dispute in their favor and move the situation back to before 1965, when the sovereignty of the islands was not discussed." [162]

"Another important step in arriving in Bern was the one taken by London by sending a non paper in which it stated that it was prepared to start a dialogue with Argentina on the resumption of relations, but reiterating two constants of that government: its refusal to cover the issue of sovereignty and that Argentina declare the de jure cessation of hostilities unilaterally. (Argentina) wanted to use this issue as a negotiating instrument with the British, that is, in exchange for some British concession." [163]

January 27th, Italian Prime Minister Bettino Craxi speaks to Margaret Thatcher; with an offer from the Argentine government.

"Signore Craxi said that Argentina believed that the problem of the Falkland Islands would have to be dealt with over a period of time. The Argentine Government would be interested to have secret talks in order to exchange views with the United Kingdom. They also wished to examine small steps towards the normalisation of relations and the improvement of the present atmosphere. A dialogue in public would be more difficult for them because they would then have to request a discussion of the sovereignty issue. This would hinder a dialogue on smaller issues. They wanted a diplomatic contact in order to have deep exchanges and so that the position of each side might be understood.... The Prime Minister commented that Argentina was aware of our position. We would not negotiate sovereignty. But sovereignty was all Argentina wanted. The Falkland Islands were ours and their people wished to stay British. ... Signor Craxi said that perhaps there was no solution for certain problems." [164]

".., the United Kingdom came to assume the position that Argentina broke the rules of the game, provoked a war, and by losing it, the sovereignty dispute over the Malvinas had been resolved in its favor." [165]

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159 *Department of State, Central Foreign Policy File, D840069–0601*
160 *La Semana* January 1984
161 *Thatcher to Craxi January 27, 1984* in *PREM 19/1295 f35*
162 Herrero 2020
163 Romero 2020
164 *PREM 19/1295 f35*
165 Herrero 2020 citing Garcia del Solar 2000

January 31st, in England, speaking on the BBC's '*Calling the Falklands*' radio programme, Neil Kinnock, leader of the British Labour Party, tells listeners that the Government should take serious note of the initiatives being offered by the Argentines, as he believes that the 'Fortress Falklands' policy is unsustainable in the long term.

February 1st, speaking in Caracas, Argentina's President Alfonsín proposes; *"... the replacement of the British garrison on the islands by a United Nations peacekeeping force."*

"He also proposed conversations in order to lift the exclusion area imposed by the United Kingdom to Argentine ships. In exchange, Argentina would declare a de jure ceasing of the hostilities and a return to the normal bilateral relationships." [166]

February 2nd, from London, Foreign Secretary Sir Geoffrey Howe rejects the Caracas proposals; *"... there is no role for the United Nations in the protection of the Islands."* Argentina's Foreign Minister, Dante Caputo, responds that he finds this, *"incomprehensible."*

February 10th, in New York, at the UN, Argentina accuses the UK of committing acts of provocation against fishing vessels outside the protection zone.

February 14th, in the Falkland Islands, HMS *Protector* arrives at Stanley.

February 15th, in the UK, the Foreign Affairs Select Committee re-examines its earlier report on the Falklands; delayed by the General Election.

"The Foreign Affairs Select Committee's earlier report on the Falkland Islands was not completed because of the general election. It will now be re-examining the oral and written evidence submitted to the previous committee in their inquiry into British foreign policy in relation to the Falkland Islands and Dependencies and adjacent South American States. The Falkland Islands Government London Representative, Mr. Adrian Monk, will be presenting a memorandum on February 15 and appearing before the committee chaired by Sir Anthony Kershaw MC MP. Its members are (Conservative) Ivan Lawrence QC MP, Jim Lester MP, Mark Robinson MP, Rt. Hon Norman St. John Stevas MP, Rt. Hon Peter Thomas QC MP, Bowen Wells MP and (Labour) Dennis Canavan MP, Ian Mikardo MP, Nigel Spearing MP and Michael Welsh MP." [167]

February 21st, in Buenos Aires, ex-President Leopoldo Galtieri is arrested and detained.

February 22nd, in London, addressing MPs via a written answer, Ray Whitney, Under-Secretary of State at the Foreign Office, informs Parliament of the proposals presented on January 26 via the Swiss Embassy. He assures that the Government will not enter into talks regarding any transfer of sovereignty.

In Buenos Aires, Admiral Jorge Anaya is arrested during a tribunal examining the 1982 War. [168]

February 24th, in the UK, a letter from MLA Adrian Monk appears in *The Times* newspaper.

> *"... it is too early to talk of opening links between the Falkland Islands and Argentina and we feel strongly that the Falkland Islands should not be used as a pawn in any bilateral negotiations. We would welcome the opportunity of re-establishing communications and trading links with Chile and Uruguay. ... When the Falkland Islands have had a period of peaceful reconstructions and development the Government and people will be able more clearly to assess their position and decide how they wish their political future to develop; in other words, exercise their right of self-determination."* [169]

166 Corbacho 2000 p.7
167 *Falkland Focus* January 1984
168 Other arrests among the extended membership of the 1982 military government followed over the next few days.
169 Quoted in *Falkland Focus* February 1984

February 27th, from Stanley, *Penguin News* reports:

> *"A Fleet Street paper recently reported that responsible sources in Buenos Aires had calculated the cost of the Falklands War at between 3.5 and 5 billion pounds. And that is just the Argentine bill."* [170]

March 9th, in Buenos Aires, Constantino Davidoff is reported to be suing the Argentine government for losses incurred by his inability to resume the contract he has with 'Christian Salvesen Ltd'.

"They claim they were used by the Argentine authorities, and suffered as a result of the hostilities." [171]

March 22nd, in Britain's House of Commons, following a Foreign Affairs debate, a number of MPs call for the re-establishment of direct talks between Argentina and Britain; with regard to diplomatic and commercial relations. [172]

April 2nd, President Alfonsín addresses a ceremony to inaugurate a war monument to the Argentine dead.

> *"I am here to commemorate with you, at the foot of this monument, our (people) fallen in battle, those brave Argentines who gave up their lives or generously exposed themselves on that southernmost portion of our nation. Although it is true that the government that made use of force did not consider the tremendous and tragic consequences of its action, it is equally true that the ideal that encouraged our soldiers was and is the ideal of every generation of Argentines: the definitive recovery of the Malvinas Islands, South Georgia and South Sandwich islands...*
>
> *God saw the virtuous, and among these the brave and the lively, ... He chose his heroes. He chose the ones we commemorate today. Anointed by misfortune, devoid of the victory laurels... These tragic deaths strengthen further the conviction we have of the fairness of our rights...*
>
> *It is not possible that there will be colonies in America. It is not possible to perpetuate the appropriation of American land. The dead of Puerto Argentino, "Belgrano", Georgias, many other places in our land and southern sea... our heroic dead in the air, summon us to this homage."*

"... on April 2, Alfonsín headlined the ceremony to commemorate "the recovery of the Malvinas Islands," that took place in the city of Luján, where the basilica that hosts the Patron Saint of Argentina is located. There, he pronounced a highly symbolic speech. ... Why, if the April 2 holiday had been canceled, did he make such a declaration of principles on that occasion? It was an attempt to remove the ownership of the memory from the Armed Forces and, at the same time, a way of putting forward a series of keys for the democratic appropriation of symbols associated to nationalism, which had been abused by the military government." [173]

April 3rd, it is announced that Sir Rex Hunt will remain in the Islands as Civil Commissioner, for another year.

April 6th, in the UK, the British government announces that it is ready to consider a renewal of diplomatic relations with Argentina.

> *"... Sir Anthony Parsons, Britain's UN Ambassador during the Falklands conflict told the House of Commons Foreign Affairs Committee that Argentina must declare an end to the war before any consideration could be given to normalising relations."* [174]

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170 *Penguin News* February 27, 1984
171 *Penguin News* March 23, 1984. *cf.* 1982.
172 *Hansard HC Deb 22 March 1984 vol.56 cc1 186-270*
173 Lorenz 2020
174 *Falkland Focus* April 1984

"... despite the pragmatism of the Thatcher government which did not exclude relations with Argentina, the United Kingdom would not discuss sovereignty unless there was a substantial change in international power relations – inter-American, regional or bilateral – sufficient to offset the advantage of Britain remaining in the Malvinas." [175]

April 10th, in Stanley, a fire guts the hospital; killing 7 patients and a nurse, Barbara Chick.

"The blaze is thought to have started somewhere in the oldest section of the complex, and within minutes raged out of control in the timber section. Although details are still sketchy,... it seems that the Churchill Wing acted as a funnel, and immediately filled with unusually dense and poisonous smoke. Unhampered by fire doors, it swept through the corridors at an astonishing rate. This smoke, rather than the flames, caused most of the deaths." [176]

"On 10 April this year, a major fire broke out at the only hospital in Port Stanley, the King Edward Memorial Hospital. As a result of that fire, eight people died. The building was gutted and has since been totally unusable. ... It is only proper that the House should now add its own tribute to the comments in the report about the activities of three people at the hospital who were instrumental, inside the hospital, in saving, at considerable risk to themselves, the lives of those patients who were able to get out. Those people undoubtedly acted with a bravery which the House should commend. They were Nurse Reed of the civilian staff, Lance-Corporal Shorter from the military staff, and my former constituent Nurse Barbara Chick, who died in the fire. Whatever the doubts about the exact sequence of events, it is clear that Nurse Chick died in an effort to save the lives of patients." [177]

April 14th, in Buenos Aires, a nationalist group cuts the hand off a statue of Britain's George Canning before dumping the remains into the Rio de la Plata. [178]

In Maryland, USA, a second conference concerning the Falklands, is hosted at the University. [179] Attending British politicians include George Foulkes, Cyril Townsend and Lord Kennet, all members of the South Atlantic Council (SAC).

"... discussions at Maryland II concentrated very much on issues of tension reduction and confidence building, although some time was spent revisiting core issues discussed at Maryland I, such as the nature of "sovereignty" over the Islands and the re-establishment of "normal" relations. A number of ideas for possible confidence building measures, some involving fishing within the British maritime "Exclusion Zone" around the Islands, were discussed and, again, taken back to decision makers in both capitals for consideration. Participants also felt that, apart from keeping open channels of communication and pressing for creative thinking on the issues, an exchange of visits might be arranged in between Maryland II and the proposed Maryland III." [180]

"In a seminar on the Falkland Islands sponsored in 1984 by the University of Maryland, where parliamentarians from Argentina and the United Kingdom met, Labor (MP) George Foulkes recommended to Argentines that in future documents on the matter, the diplomats of our country use in the wording the

175 *Democratization in Argentina and the End of the Cold War: The Impact on Anglo-Argentina Relations* Jose Octavio Bordon 1996 in *Argentina: Foreign Relations and the New Foreign Policy Agenda* C. Lewis & C. Szusterman 1996

176 *Penguin News* May 9, 1984

177 MP Michael Stern, House of Commons on August 1, 1984 in *HC Deb 01 August 1984 vol 65 cc366-71*. Nurse Chick was subsequently awarded a posthumous Queens Commendation for Brave Conduct

178 Canning had been the first European politician to recognise the United Provinces with a treaty in 1825. The statue was recovered, repaired and relocated to the Plaza Mitre near the British Embassy. *cf.* 1824, 1825 & 1937

179 See September, 1983 & February, 1985

180 Mitchell 2000

*following sentence: "... **negotiate on all pending problems between the countries, including all aspects concerning the future of the islands**." In this way, the word sovereignty disappeared, as the British wanted, and the Argentines could convince themselves that as it was all a matter of interpretations, their interests were tacitly included."* [181]

April 16th, in Argentina, Rear-Admiral Juan Jose Lombardo is interviewed for a BBC *Panorama* program.

> *"The Argentine Admiral responsible for the deployment of the Belgrano has admitted that the warship had been engaged in an aggressive pincer movement when it was sunk by the Royal Navy."* [182]

April 24th, Argentina is told that Falklands' sovereignty will never be discussed by Thatcher's government. [183]

April 26th, at Stanley, the Islands takes delivery of the Falklands Intermediate Port and Storage System (FIPASS).[184] General Sir Peter de la Billiere is appointed Military Commissioner and Commander of British forces in the Falklands.

May 2nd, in London, Scottish Labour MP Tam Dalyell is suspended from parliament for five days after being asked by the Speaker, ten times, to withdraw an allegation that the Prime Minister had lied with regard to the sinking of the Argentine cruiser, ARA *Belgrano*.[185]

Five members of the House of Commons Foreign Affairs Committee travel to the United Nations in New York.

"... for off-the-record discussions with members of the United Kingdom Mission to the United Nations, the United Nations Secretary-General and the Ambassadors of Argentina, Australia, Barbados, Brazil, Canada, Chile, France, India, Mexico, Peru, Uganda, the United States of America and Venezuela." [186]

May 13th, a report in Britain's *Sunday Times* newspaper claims that Libya's leader, Colonel Gadaffi, had secretly shipped arms worth more that £70 million to Argentina during the 1982 War. Included were 120 Soviet made Sam-7 missiles.

June 7th, in Buenos Aires, political parties sign a *Joint Declaration*.

> *"Diplomatic negotiations between Argentina and Great Britain must include the subject of our sovereignty on the Malvinas Islands, the Georgia Islands and the South Sandwich Islands. The Argentine Republic condemns and deplores the notion of 'Fortress Falklands' and the so-called 'exclusion zone.' Diplomatic action will be intensified, searching for a peaceful solution that should acknowledge our rights over these portions of national territory."* [187]

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181 Herrero 2020 citing Cardoso *et al* 2012. My emphasis. The advice from George Foulkes is worthy of note. As a result, UN General Assembly resolutions on the Falklands experienced a dramatic change of wording from 1985. Removed were all references to previous UN GA resolutions (including 2065 and 37/9); effectively replacing them. This was unlikely to have been George Foulkes intention.

182 *Falkland Focus* April 1984

183 *Falkland Islands Newsletter* May 1984

184 A floating dock, *FIPASS* consisted of 6×300 ft oil rig support barges, each 90 ft wide; each supporting a quay and joined to the shore by a causeway.

185 Tam Dalyell had been contacted by a senior civil servant at the Ministry of Defence – Clive Ponting – who informed Dalyell that the ship had been sighted a day before that claimed in Parliament; that it was outside the Exclusion Zone and continuing to steer away. Ponting was prosecuted under the Official Secrets Act but acquitted by a jury despite a clear direction from the judge that he should be found guilty. As a result, amendments would be made to a new Official Secrets Act in 1989. On April 24, 1982, the Argentines had been warned via the Swiss that the war zone was not restricted to the Exclusion Zone. Also that any vessel perceived as a threat would be a target.

186 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984*

187 *Ibid* para.67

June 10th, in Argentina, on the "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.", President Alfonsín publishes a message for the nation; *"The Malvinas Islands constitute a symbol of sovereign reinvindication (sic) shared by all Argentines ... The Argentines did not accept then, as we do not accept now, any mutilation of our territory."* [188]

June 11th, in London, former Foreign Secretary Francis Pym addresses the Foreign Affairs Committee of the House of Commons. He tells the committee that Britain could still discuss sovereignty with Argentina.

> *"It is not as though we have never been prepared to discuss this. On the contrary, there was stage when the British government was willing and* ***tried to take the matter to international law*** *but the Argentines refused."* [189]

June 13th, President Alfonsin of Argentina and Prime Minister Gonzalez of Spain sign a joint declaration supporting each nation's claims to the Falkland Islands and Gibraltar.

"Spain and Argentina, which are the victims of an anachronistic colonial situation, support their respective claims over the Malvinas Islands and Gibraltar to restore the integrity of their national territories through peaceful means in conformity with the relevant resolutions of the United Nations." [190]

June 14th, in Stanley, the Liberation Monument (right) is unveiled, by the Hon. Harold Rowlands.

June 18th, in Buenos Aires, Labour Party MP and South Atlantic Council founder, George Foulkes, together with Conservative Party MP, Cyril Townsend, arrive to explore the potential for a negotiation. [191]

June 25th, Britain agrees to a meeting with Argentine officials using a formula crafted by Swiss mediators.

"Between January and July a series of confidential diplomatic exchanges took place between Argentina and the United Kingdom conducted through Brazil and Switzerland, the Protecting Powers, which have been handling Argentine and British interests in London and Buenos Aires, respectively."[192]

*"Jorge Sábato, then Secretary of Especial Affairs of the Foreign Ministry, described this process as conversations to discover some sufficiently ambiguous formula that not would imply a commitment from either party. The talks went back and forth until finally, the Swiss suggested a relatively ambiguous form that where the Spanish translation from the English would have two different meanings. ... According to official Argentine sources, the practical solution was not to require official translations during the meetings. The formula was expressed originally in English. When the Argentines would require the treatment of the issue of sovereignty, the British representatives would respond that the United Kingdom was "**not prepared**" to treat (on) the topic. In this case, the Spanish translation could be either that the British were actually "not*

188 From 1984, until 2000, June 10th was a public holiday. See April 2nd, 1983, above. I have used the official name for the Day as stated by law.20,561 of November 30, 1973. The name appears to have become flexible. At it longest, it was referred to as the "Day of Affirmation of Argentina's Rights over the Malvinas, South Georgias and South Sandwich Islands, and the Surrounding Maritime Areas."

189 Quoted in *Falkland Focus* June 1984. My emphasis. See 1969.

190 *Ibid.*

191 *Falkland Focus* June 1984.

192 *UN Document A/39/589* UN Secretary-General's report to the General Assembly of October, 1984. See below.

prepared," or "not willing". Consequently, each party would give to the phrase the interpretation they wanted. For the Argentines, the United Kingdom was not prepared to discuss the topic, but they could do it later. Whereas the British interpretation of the formula could be that they are "not willing" to do it (at all). Covered by this ambiguous formula both governments would continue with the treatment of other topics." [193]

June 27th, Foreign Secretary, Sir Geoffrey Howe, confirms to the House of Commons that the British Government is ready to talk to Argentina, but that any talks cannot include sovereignty.

July 18th, in Berne, representatives from Argentina and Britain meet under the chairmanship of the State Secretary of the Federal Department of Foreign Affairs of Switzerland. Representatives of the government of Brazil are also in attendance. [194]

"According to FCO, talks began July 18 in Bern between British and Argentine negotiating teams under the chairmanship of Swiss State Secretary for Foreign Affairs Brunner. A Brazilian representative will be present as the other protecting power. The stated aim of the talks is normalization of relations between the two countries. In the public announcement, no mention is made of whether the subject of sovereignty is to be discussed. If asked, the UK will refer to its previous position on that question. FCO regretted that, at the request of the Argentines, Britain was unable to give its allies advance notice of the talks. ... The UK negotiating team is headed by FCO Assistant Under Secretary for the Americas David Thomas; the Argentine group is led by Assistant Under Secretary Delpeche. FCO expects the talks to last two or three days, and hopes this will be the first in a series of meetings with the Argentines. FCO would not provide details of the agenda, but stressed that sovereignty over the Falklands would not be discussed." [195]

July 19th, in Switzerland, Argentine negotiators raise the issue of sovereignty. David Thomas responds that the UK is "*not prepared*" to discuss the subject. Talks immediately stall.

"... the representatives of my government reaffirmed the sovereign rights of the Argentine Republic over the Malvinas Islands, South Georgia and the South Sandwich Islands and reiterated the desire of Argentina to seek a peaceful and negotiated solution to the dispute with the United Kingdom concerning sovereignty over those territories. in conformity with General Assembly resolutions 2065 (XX), 3160 (XVIII), 31/49, 37/9 and 38/12. At the sane time, they stated that the question of sovereignty undeniably constitutes the central point of the Argentine-British problems and that therefore the remaining differences in various areas of bilateral relations can be resolved to the extent that appropriate mechanisms for resolving that question are set in motion. For their part. the British representatives stated that their government was not prepared to enter into discussions concerning the question of sovereignty. ... This attitude entails a failure to comply with the relevant General Assembly resolutions and the provisions of the charter of the United Nations that oblige states first of all to seek a solution to their international disputes by negotiation. It is also incompatible with the declared British interest in the progressive normalization of relations between the two countries." [196]

"Sir Geoffrey said the talks "have now ended because the Argentines were not prepared to continue them on the basis plainly agreed in advance through the Swiss Government". [197]

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193 Corbacho 2000. My emphasis. Jorge Frederico Sabato was the son of the author Ernesto Sabato who, while an opponent of the military Junta in 1982, had been an enthusiastic supporter of the invasion of the Falkland Islands. *cf.* April, 1982

194 *UN Yearbook 1984* also *UN Document A/39/589*

195 *Department of State, Central Foreign Policy File, D840465–0296*

196 *Letter dated 23 July 1984 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary General July 25, 1984. UN Document A/39/359*

197 *The New York Times* July 20, 1984

"They broke down because the Argentine representatives took a position that ran directly counter to the basis for the negotiations that had been explicitly agreed by them in advance. ... the Argentine representatives insisted at Berne, in the face of the clear prior agreement to the contrary, that no progress could be made towards normalisation without the certainty that a mechanism would be established that would in practice lead to a transfer of sovereignty." [198]

*"The meeting in Berne failed because of the mention of the topic of sovereignty. In this case, both sides ending accusing the other of having broke the previously agreed formula. ... the Argentine press, citing Swiss sources, claimed the South American diplomats had been assured that the British would respond to the sovereignty issue with the almost scripted '**not in a position**' to discuss it. In that case, Argentine representatives would assume that sovereignty would not be excluded (for ever), and they would proceed with the discussion of other topics. But, the British gave a different answer. Their representatives stated precisely that they were "**not prepared**" to discuss the topic, which had a meaning very different to that of the expected answer."* [199]

"... the British negotiators introduced a simultaneous translation of the conversations in Spanish, making their statements official. In this way, the Foreign Office negotiators stated that the government of Margaret Thatcher "was not willing" to discuss the sovereignty of the Falkland Islands. Hearing the refusal of the British negotiators, the Argentine delegation ended the talks." [200]

Argentina issues a press statement.

> *"The Ministry of Foreign Relations and Worship reports that on July 18 and 19, on an invitation of the Swiss Confederation and with the participation of representatives of the Federative Republic of Brazil, the delegations of the Argentine Republic and the United Kingdom of Great Britain and Northern Island met in Bern. The meetings, which were of an informal nature, were held with an open agenda with the purpose of exchanging points of view concerning the Malvinas, Georgias, and Sandwich Islands, and other points related to the problems affecting the relations between the two countries.*
>
> *At the beginning of the meeting, the Argentine delegation reasserted Argentina's sovereign rights over the Malvinas, South Sandwich, and South Georgia Islands.* ***It also asserted that since the sovereignty matter constitutes the substance of the conflict with Great Britain, the other points of disagreement would be resolved in an expeditious and satisfactory manner if a serious and responsible solution was found to the sovereignty issue.*** *In this regard the Argentine delegation reaffirmed the Argentine Government's willingness to find a solution to the conflict based on the recommendations made by the United Nations. For its part, the British delegation stated that it was* ***not disposed*** *to discuss the sovereignty issue. Since this circumstance impaired the objective of the Bern meeting, there was no purpose in continuing the talks."* [201]

"Though the Berne talks did not achieve the desired progress I regard it as a positive sign that the two countries should have held their first direct contact since the end of the 1982 conflict. I am also heartened by the desire, repeatedly expressed by both sides, to seek a way to resume their dialogue as well as by their avowed commitment not to resort to force in connection with the dispute." [202]

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198 *Falkland Islands (Foreign Affairs Committee Report) HC Deb 14 March 1985 vol.75 cc492-530*

199 Corbacho 2000. My emphasis.

200 Herrero 2020.

201 Press statement by Foreign Minister Dante Caputo in *Department of State, Central Foreign Policy File, D840463–0817*. My emphasis. Not prepared, or not in a position? Or not disposed? Sadly, the Swiss interpretation of events has never been published.

202 Report of the UN Secretary-General of October, 1984. See below.

"Although the Berne episode was designed merely to provide talks about talks, it served to highlight the incompatibility of Argentine and British approaches to the future of the Falklands, since the British anxiety to concentrate upon the first stage, of practical issues, conflicted with the Argentine desire to blur the distinction... because of Argentina's refusal to negotiate on any topic unless sovereignty was on the agenda." [203]

"... the failure of the bilateral meeting that took place in Bern in 1984, London attributed to translation errors made by the host. It should only be noted, in this regard, that no one doubts the Swiss competence to intervene in matters as delicate as this." [204]

From Stanley, on the same day, the Falkland Islands Government grants an onshore oil prospecting licence to *Firstland Oil & Gas PLC* - for an area known as Douglas Station on West Falkland Island. [205]

"The licence was granted under the Falkland Islands Mining ordinance. Its grant was an example of the exercise by the people of the Falkland islands of the right freely to dispose of their natural resources. This light is recognized by article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the international covenant on Civil and Political Rights, both of which have been ratified by the United Kingdom. Under the licence, rent and royalties are payable to the Falkland Islands Government" [206]

July 20th, Sir Geoffrey Howe informs US Secretary of State Shultz of the breakdown of the Berne talks.

> *"We recognized of course that Britain and Argentina had different positions on the sovereignty issue. It was clear to us that if talks between us were not to founder at the outset on this issue, we should have to devise an arrangement which met those different positions. After many months of discussions, we finally reached agreement through the Swiss, on the basis of an Argentine proposal, that if the Argentine representatives raised the subject of sovereignty, as they clearly wished to do, the British side would respond that we were **not prepared** to discuss it. Discussion would then move straight on to the practical issues of concern to both sides and would continue on those subjects.*
>
> *This agreement was specifically agreed by the Argentine Government and confirmed by the Swiss.*
>
> *We complied scrupulously with this arrangement when the talks opened in Berne. As we had expected, the Argentines raised the question of sovereignty. As we had indicated in advance, we made plain that we were **not prepared** to discuss it. We then went on to put forward some constructive ideas on a number of practical issues ... Sadly the Argentine representatives were not willing to continue the talks on the agreed basis. **They advanced the new proposition that discussion of the practical issues we had put forward could only take place on condition that we accepted some mechanism to address the question of sovereignty.** They must have known that this was quite inconsistent with the agreed basis of the talks. But they maintained that unless their new condition was met, they were not prepared to pursue the talks. The talks therefore came to an end."* [207]

August 8th, in Buenos Aires, Minister Caputo speaks to US Ambassador Frank Ortiz; *"Caputo told me Argentina's goal on the Malvinas is to "disactivate" the conflict with the U.K. and return to the situation that existed before the Malvinas war. Argentina wants to "reinitiate" the decisions taken in mid-1977, specifically*

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203 *The Future of the Falkland Islands: a solution made in Hong Kong?* P. J. Beck 1985
204 *La política británica hacia las Malvinas* Vicente Berasategui 2013
205 *Hansard, Commons July 25, 1985 vol.83*
206 *Letter dated 24 January 1985 from the Permanent Representative of the United Kingdom ... addressed to the Secretary-General. UN Document A/40/97*
207 *Department of State, Central Foreign Policy File, D840490–0540.* My emphasis.

those set forth in the joint Argentine/U.K. communique issued June 8, 1977. In that statement Argentina and the U.K. agreed to continue negotiations concerning future political relationships – including sovereignty with regard to the Falklands/Malvinas, the South Georgias and the South Sandwich Islands – and economic cooperation with respect to those territories in particular and the Southwest Atlantic in general." [208]

August 20th, at the UN, the Special Committee on Decolonization adopts a resolution calling for Britain and Argentina to resume negotiations to find a peaceful solution to the sovereignty dispute.

"20 of the 25 committee members had supported the Argentine inspired motion urging a resumption of negotiations on sovereignty. The outcome had been as expected. Councillor (Tony) Blake, who attended the debate with his colleague Tim Blake, indicated that their efforts had managed to retain some support for the British side." [209]

August 23rd, the *New Statesman Magazine* publishes a claim that following the sinking of HMS *Sheffield* on May 4, 1982, that the British Government deployed a *Resolution* Class Polaris nuclear-armed submarine, carrying 16 ballistic missiles with thermonuclear warheads to the South Atlantic. To be used if Argentine missiles sank a British aircraft carrier or the troop ship *Canberra*. [210]

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208 *Department of State, Central Foreign Policy File, D840509–0428 D840509–0428*. Confusing, as there was no joint statement dated June 8, 1977. Talks that year, took place in Rome between July 13 & 15. There are two possibilities. Firstly, a letter dated June 8, 1977, addressed to the UN Secretary-General from the Permanent Representative of Argentina forwarding a copy of the Anglo-Argentine joint statement of April 26, 1977.

That joint statement said – "*The Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland have agreed to hold negotiations from June or July 1977 which will concern future political relations, including sovereignty, with regard to the Falkland Islands, South Georgia and South Sandwich Islands, and economic co-operation with regard to the said territories, in particular, and the South West Atlantic, in general. In these negotiations the issues affecting the future of the Islands will be discussed and negotiations will be directed to the working out of a peaceful solution to the existing dispute on sovereignty between the two states, and the establishment of a framework for Anglo-Argentine economic co-operation which will contribute substantially to the development of the islands, and the region as a whole. A major objective of the negotiations will be to achieve a stable, prosperous and politically durable future for the Islands, whose people the Government of the United Kingdom will consult during the course of the negotiations The agreement to hold these negotiations, and the negotiations themselves, are without prejudice to the position of either Government with regard to sovereignty over the Islands. The level at which the negotiations will be conducted, and the times and places at which they will be held, will be determined by agreement between the two Governments. If necessary, special Working Groups will be established."*

Secondly, the joint statement following the July negotiations. Issued on July 15, 1977, which said – "*In accordance with the announcement made simultaneously by the Argentine and British Governments on 26th April 1977, delegations representing the two Governments met in Rome from 13th-15th July 1977 in order to conduct the first round of negotiations concerning future political relations; including Sovereignty, with regard to the Falkland Islands, South Georgia and the South Sandwich Islands, and Anglo-Argentine economic co-operation with regard to the said territories in particular and the South West Atlantic in general. The two delegations were led respectively by Capt. Gualter Oscar Allara, Under Secretary for Foreign Relations of the Republic of Argentine and by Mr H.A.H. Cortazzi, Deputy Under Secretary of State at the Foreign and Commonwealth Office. In accordance with the terms of reference for negotiations announced in the statement of 26th April 1977 the two sides conducted a full exchange of views in order to agree on the procedure for defining the issues to be covered in their negotiations. The discussions between the two delegations were conducted in a positive spirit. They led to a better awareness of the position of each side as a basis to continue to seek understanding. It was agreed that the negotiations now established should be continued at a further high level meeting to be held at the beginning of November. The venue for this second meeting would be decided upon through the diplomatic channel."*

209 *Penguin News* October 1, 1984

210 Sources cited included Labour Party MP Tam Dalyell, a senior submarine officer and MoD civil servant Clive Ponting. The story was picked up on August 25, 1984 by the *New York Times* and on September 3, 1984 by *Time* magazine. After that, the story died.

September 4th, from the UK, the BBC broadcast '*Calling the Falklands'*, reports on a poll paid for by the South Atlantic Council (SAC).

"... a Gallup poll has established that 76% of the British public would like a resumption of diplomatic relations with Argentina, would like to see an agreement with the Argentines about fishing around the Falklands and 69% want normal trading relations to be resumed. Gallup further claimed that 94% of the British public want the relatives of Argentine war dead to be able to visit the graves here. The poll was organised by the South Atlantic Council. MP George Foulkes, a member of the Council, said that the Conservative Government must take notice of this expression of public opinion. He also called for a resumption of the Berne talks, saying "if Britain isn't seen to be talking on this, then we will be totally isolated in the United Nations". Harold Briley of the BBC did not agree that the poll would have any great political value. "I don't think the government will attach much weight to this poll", he said." [211]

September 7th, amidst the rumours generated by the *New Statesman* exposé, an inquiry concludes.

> *"We have undertaken extensive search not only of the DS11 files, but those of DS5, CDS and COSSEC, ...The FCO have also examined their files. While a number of papers on military options were prepared during the course of April, 1982, we have been unable to find any reference to the possible or threatened use of Polaris or indeed other nuclear weapons. ... have a clear recollection that reference was made (at the specific request of the then CAS, and largely for the sake of completeness) to possible nuclear options in an early draft on the military options paper prepared at the direction of the Chiefs of Staff, but that it was deleted almost immediately at the direction of the CDS. ... It is not possible to be absolutely certain that no paper referring to the nuclear option ever existed, indeed the personal recollections of those involved suggest that there was such a paper."* [212]

September 10th, in Argentina, a US ship docked at Puerto Madryn is forced to leave by protests over US aid to Britain during the 1982 War.

September 19th, Margaret Thatcher responds to a question from MP George Foulkes regarding the 1982 sinking of the ARA *General Belgrano*.

> *"The need to do everything we could to protect the lives of some 10,000 British personnel – Service and civilian then in the Task Force and at risk from the Argentine Navy – was the sole reason for the attack on the Belgrano. No other consideration entered the calculations of the Ministers concerned, and in particular there was no question of taking the action in order to undermine peace proposals put forward by the President of Peru, about which Ministers in London had no knowledge at the time."* [213]

September 21st, in Stanley, comedian Jim Davidson arrives for a Combined Services Entertainments tour.

September 25th, in New York, Argentina's President Alfonsín tells the United Nations that his country will not discuss the Falklands without the issue of sovereignty being included. He also makes it clear that the only acceptable solution to the dispute is one resulting in an eventual transfer of sovereignty to Argentina. [214]

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211 *Ibid.*

212 *D/DS11/10/6/7.* See April 29, 1982

213 *Thatcher to Foulkes (Annex) Sept 19th, 1984*. In 1994, the Argentine government accepted that the sinking of the ARA *Belgrano* had been a legitimate act. Something its commander had long insisted on. *cf.* 1982.

214 *Falkland Focus* August/September 1984

"We could accept a Hong Kong type solution measured in months, not in years, or we could accept that the Islands are returned to us in five years, three years, but not in 29 years. We would like this return to take place during the lifespan of our generation" [215]

Alfonsín rejects the suggestion of a referral to the ICJ; *"... no type of arbitration is appropriate."* [216]

"... the Alfonsín government focused all its energies on the multilateral strategy. ... "to bring the United Kingdom to the negotiating table by publicly denouncing the situation in various international forums". ... However, despite the fact that Argentina obtained support for its position of dialogue for the sovereignty of the Falkland Islands, over time the hope in this strategy was fading. The pronouncements in these international forums did not change the intransigence of the British not to discuss sovereignty one iota, ... Margaret Thatcher's government would only sit down to talk with Argentina if it declared a cessation of hostilities and did not raise the question of the sovereignty of the islands." [217]

September 26th, also addressing the UN General Assembly, Britain's Foreign Secretary, Geoffrey Howe, says that talks between Argentina and Britain should concentrate on areas where both sides may benefit.

"*At a subsequent press conference, on being asked whether the agreement with China on the future of Hong Kong pointed the way to a solution for Britain's other disputed territories, Sir Geoffrey replied: "In the Falklands and Gibraltar we have no doubt whatsoever about our sovereignty. It does not depend upon a lease."..."* [218]

October 5th, in the UK, a Labour Party conference approves a motion decrying the government's 'Fortress Falklands' policy; urging negotiations with Argentina. They also call for a judicial inquiry into events surrounding the sinking of ARA *Belgrano*.

"Labour Party Leader, Neil Kinnock, indicated in a recent interview on the BBC that, while his party believe in searching for a lasting solution to the Falklands dispute, any agreement with Argentina must have the approval of Islanders.... "Our current government appears to be willing to take no initiatives that offer a prospect of ending Fortress Falklands", said Mr. Kinnock. "In the Labour Party... we understand that there can't be any permanence in the future of Fortress Falklands with all the huge expenditure and the distortion of our defence commitment that goes with that...."..." [219]

In London, the House of Commons Foreign Affairs Committee produces a report considering sovereignty over the Falklands, South Georgia and the South Sandwich Islands. Reformed following the 1983 General Election, the new committee express doubts regarding the draft-report completed before that election. [220]

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215 Quoted in Beck 1985. This was a reference to the 99 year lease Britain held over the New Territories; due to expire in 1997. Negotiations on how to handle the end of the lease period had commenced in September 1982 and resulted in a treaty signed in December, 1984, allowing for a resumption of Chinese sovereignty in 1997, whilst maintaining the way of life then enjoyed by the people of Hong Kong for 50 years. In exchange, the British gave up Hong Kong Island. However, the 50 years appears (writing in 2025) to have been a pipe dream.

216 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984* para.102

217 Herrero 2020

218 *Falkland Focus* August/September 1984

219 *Penguin News* October 22, 1984

220 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984.* This Committee's deliberations had been interrupted by the 1983 General Election; delaying its report. *cf.* May 1983, above.

"We sympathise with our predecessors in the difficulties they faced in seeking to reach conclusions on the respective strengths and weaknesses of the Argentine and United Kingdom claims. The historical and legal evidence demonstrates such areas of uncertainty that we are unable to reach a categorical conclusion on the legal validity of the historic claims of either country. … much of the historical argument … has been rendered less relevant by Argentina's resort to arms."

"The Select Committee did not consider itself to be an appropriate court of international law and was therefore not prepared to inquire as if it were." [221]

"The Select Committee's report represents a major opportunity missed. … Sovereignty must be discussed and it must be discussed now…. the policy of status quo is too costly (economically and politically) and too dangerous." [222]

"Did the Committee consider the effect of its report in Argentina? I cannot imagine that it has been helpful. Did it consider the wider implications of that remark about sovereignty?" [223]

However, the Committee has no doubts regarding UK claims to the South Sandwich Islands and South Georgia.

"… we have no difficulty in concluding that the claims advanced by Argentina in respect of the Dependencies of South Georgia and the South Sandwich Islands are without legal foundation." [224]

The report also comments on the current situation.

"It is clear that when referring to negotiations on sovereignty, the new Argentine Government is pursuing a policy essentially no different from that of its predecessors: that such negotiations, once begun, must lead eventually and inevitably to the relinquishment of the United Kingdom's claim to and administration of the Falklands." [225]

October 17th, in New York, the UN's Secretary-General submits his report to the General Assembly.

"1. The present report is submitted in pursuance of General Assembly resolution 38/12 of 16 November 1983.

2. By that resolution, I was requested to continue the renewed mission of good offices, with which I was entrusted by General Assembly resolution 37/9, in order, to assist the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas) and to report to the Assembly at its thirty-ninth session on the progress made in the implementation of the resolution. …

9. I regret that it has not yet proven possible to implement resolution 38/12. It continues to be my belief that dialogue and confidence-building measures can help both countries restore normalcy in the south Atlantic. Such measures could conceivably, in my view, facilitate addressing the issue-that lies at the core of their current estrangement, in order to achieve a lasting solution of the problem. As I had occasion to state in last year's report on this question (A/38/532), I stand ready to assist both parties in this process." [226]

221 Ivan Lawrence MP speaking in *HC Deb 14 March 1985 vol.75 cc492-530*
222 MPs George Foulkes and Cyril Townsend, on behalf of the South Atlantic Council (SAC) in *Penguin News* January 14, 1985
223 Sir Peter Blaker MP speaking in *HC Deb 14 March 1985 vol.75 cc492-530*
224 *Ibid* para.23
225 *Falkland Islands (Foreign Affairs Committee Report) HC Deb 14 March 1985 vol.75 cc492-530*
226 *UN Document A/39/589.* See - https://documents.un.org/doc/undoc/gen/n84/243/26/pdf/n8424326.pdf

October 23rd, in Argentina, law *23,109* is promulgated; granting benefits to; *"... former conscripts who have participated in the war actions carried out in the South Atlantic between April 2 and June 14, 1982."* [227]

October 29th, at Stanley, nine cross-party members of the UK parliament arrive for an inspection tour.

October 30th, in New York, at the United Nations, Falklands representatives and Argentine petitioners make presentations to the Fourth Committee during its consideration of the work of the Special Committee on Decolonization. [228]

"... Councillor John Cheek revealed that during his recent visit to the General Assembly of the United Nations, he officially invited the families of Argentine soldiers killed in the Falklands to visit the war cemetery at Goose Green. "We believe it is right and proper", he said, adding that the invitation had been extended after discussion in Legislative Council. Mr. Cheek said that such a visit should be carefully organised through an independent body such as the Red Cross.... The councillor does not believe that the Argentine Government will readily authorise such a visit." [229]

"Increasingly, governments were requesting guarantees from the British that HMG would be amenable to negotiation over sovereignty in the future in return for abstentions on the resolution. One example of this was the government of Zaire which requested a guarantee that Britain would negotiate 'and seek peace' before ensuring that it would abstain on the vote." [230]

October 31st, Britain's representative at the UN, Sir John Thompson, responding to Argentine claims that the Islanders' interests will be protected, addresses the Fourth Committee.

> *"The notion of guarantees presupposes that it is for others to decide where the interests of the Falkland Islanders lie ... surely, there is no people which were prepared, towards the end of the 20th century, to argue that its interests should be determined by foreigners."*

November 1st, in New York, at the UN, the General Assembly adopts resolution *39/06*. [231]

> *"Having considered the question of the Falkland Islands (Malvinas)...*
>
> *Recalling its resolutions 1514(XV) of 14 December 1960, 2065(XX) of 16 December 1965, 3160(XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982 and 38/12 of 16 November 1983, together with Security Council resolutions 502(1982) of 3 April 1982 and 505(1982) of 26 May 1982...*
>
> *Observing with concern that, in spite of the time which has elapsed since the adoption of resolution 2065 (XX), the prolonged dispute has not yet been resolved. ...*
>
> *1. Reiterates its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution*

227 *Malvinas: la visita de Edward Denmark, entre la admiración y la vergüenza* in *Tribuna* January 25, 2020. This appeared to apply to all the veterans, whether they had been posted to the Islands or remained on the mainland. Costly, it was reviewed after only four years. See 1988

228 The Fourth Committee is comprised of all the members of the UN. Each of the 193 members is entitled to one seat on the committee (attendance is not obligatory). A plenary session of the General Assembly has all 193 members of the UN represented. Essentially, committees such as the Fourth do the detailed work, while a plenary session of the General Assembly makes the final decision.

229 *Penguin News* November 5, 1984

230 Bagnall 2021 citing UK EmbassyKinshasa to *FCO 30 October 1984 FCO 7/5957 f793*. It needs to be remembered that in 1984, Argentina was still at war with the UK. Argentina would not formally recognise an end to hostilities until 1989.

231 The format changed after this resolution. See November, 1985.

to the sovereignty dispute and their remaining differences relating to the question of the Falkland Islands (Malvinas). ...

4. Requests the Secretary-General to submit to the General Assembly at its fortieth session a report on the progress made..." [232]

Voting against, the UK exercises a right of reply.

"... the policy of the current Argentine Government on sovereignty and self-determination did not differ from its predecessors. The text was full of references to negotiations about sovereignty, it said, and, moreover, insinuated that the wishes of the population of the Falkland Islands might be open to negotiation. However, the principle of self-determination applied in the case of the Falklands just as in other cases;..." [233]

"New Zealand opposed the resolution because it believed it did not adequately acknowledge the right of the Falklanders to a say in their future ... Australia, Chad, Norway and Saint Lucia felt that the interests of the islanders were not adequately served by the text. ... Sweden felt it did not explicitly endorse or even refer to the fundamental principle of self-determination." [234]

"Councillors and Government officials have hailed the outcome of the recent United Nations General Assembly debate on the Falklands as a virtual victory for Britain and the Islands. Paradoxically, Argentina did receive massive support for its motion urging a return to negotiations, but an unexpectedly large number of countries supported Britain, and many others abstained. Political pundits had forecast a significant drop in support for Britain, and officials could not conceal their delight at the relatively favourable outcome. In the hope that Britain's former allies, especially those in the Common Market, would change sides or at least abstain, the Argentines had moderated the wording of their 1983 resolution. This year they simply called for a return to negotiations. ... Speaking on the BBC's Calling the Falklands, John Dickie, the diplomatic correspondent of the Daily Mail, described the outcome as "a serious set-back for Argentina - they failed miserably". He called the debate a "good occasion for Britain". ..." [235]

"... the General Assembly of the United Nations approved Resolution 39/6, by 89 votes in favour, 9 against and 54 abstentions. President Alfonsin's diplomacy had obtained less votes than that of General Bignone. Important countries like Australia, Belgium, Canada, Egypt, France, Germany, Greece, Israel, Italy and Portugal all abstained. The Argentine diplomats did not realise that, despite the approval of the Resolution, they were losing ground." [236]

November 12th, from Stanley, *Penguin News* reports an interview with Foreign Secretary, Sir Geoffrey Howe.

"In reply to the suggestion that as war had not been declared there was no need for a formal end, the minister had this to say: "It doesn't make much difference to the people of the Falkland Islands whether their homes were invaded and the Islands occupied as a result of war, declared or undeclared. The reality was what happened. If we are to have the chance of moving as we would wish to more normal relations, I think the people of the Islands are entitled to have it made clear that there is no further intention of hostilities"."

232 89 votes in favour, 9 opposed and 54 abstentions. See - https://research.un.org/en/docs/ga/quick/regular/39
233 *UN Year Book 1984*
234 *Ibid.*
235 *Penguin News* November 5, 1984
236 *Falklands or Malvinas?* Conrado E. Bullrich 2000 p.209

November 14th, in London, Tim Renton MP, informs Parliament of the Government's position regarding the latest United Nations' resolution; *"We voted against this resolution. It is not mandatory."* [237]

A delegation of Argentine Protestant clergy arrive in the UK to discuss reconciliation. Delegate Professor Monti declares that the two countries should return to the pre-war position of negotiating a handover. Professor Bonino asserts that negotiation; *"... cannot exclude sovereignty, because that is the core of the conflict."* Dr. Pietrantonio exclaims; *"If the question of sovereignty is not present, what are we going to talk about?"* Bishop Cutts suggests that while Islander opinion is important, it is not, "*paramount*."

November 16th, in the UK, at the Foreign and Commonwealth Office, the Head of the Near East & North Africa Region, C. W. Long, notes; *"Israel was one of the few countries to supply Argentina with arms during the Falklands conflict and has continued to do so. ... Israeli interests in Argentina will outweigh any readiness they might otherwise feel to be helpful to us."* [238]

"*... newly-released files that list evidence cited by British diplomats also reportedly note that Israel provided military equipment, including bomber jets, to Argentina's junta prior to the war and continued with the exports for years thereafter. The declassified records add that Israel was prepared to sell espionage aircraft to the junta, and that former British foreign secretary Geoffrey Howe had called for the exchange not to be implemented. However, the logs show that Long believed that Israel would pay no heed to the British request. ... At the time, ties were strained between allies Britain and Israel over the First Lebanon War while charges emerged that then Israeli prime minister Menachem Begin had approved the weapons supply to Argentina."*[239]

British Atlantic Airways is founded to operate an air service between Britain and the Falkland Islands. [240]

November 25th, in Argentina, President Raúl Alfonsin holds a non-binding referendum on whether or not he should accept the Pope's arbitration proposal for the Beagle Channel Islands; disputed with Chile. 82.6% of Argentina's population vote in favour. [241]

November 29th, at the Vatican City, Argentina and Chile finally agree to resolve the dispute over the Beagle Channel Islands (Picton, Lennox and Nueva) with a Treaty of Peace and Friendship. Chile is to retain sovereignty over Picton, Lennox and Nueva Islands, as previously awarded in 1977. Maritime boundaries are delimited, with Chile granted most of the seas south and east of the islands. Argentina gains some Atlantic access, west of the islands.

December 12th, in London, following publication of its report, the Foreign Affairs Committee holds a press conference.; *"... members ... were at pains to point out that the apparent doubts on the sovereignty issue, expressed in their report, were due to the lack of the Committee's legal expertise on such an issue, but they stressed their belief that any claims by Argentina had been rendered less relevant by the illegal resort to force in April 1982."* [242]

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237 General Assembly resolutions are only advisory.

238 Quoted in *Declassified UK files reveal Israel sold arms to Argentina during Falklands War* in *Jerusalem Post* August 24, 2016

239 *Ibid.*

240 Eventually, the airline changed its name to *Virgin Atlantic*. The proposed air service to the Falklands never got off the ground (sorry).

241 Only four months before, on July 26th, 1984, General Benjamín Menéndez was quoted as asserting that "*... there will be war in the future with Chile, because I believe that no one would like to lose the South Atlantic Ocean and the projection towards Antarctica."* See *Argentine General Menéndez affirms that there will be war with Chile over the Beagle* in *El Pais* July 26, 1984

242 See March, 1985 below

"A report from the House of Commons Foreign Affairs Committee considered that the prospects for an early settlement of the sovereignty dispute are remote. However, in its main conclusions and recommendations, the report stated that "the invasion and war have greatly reinforced the moral and political force of HM Government's commitment to protect the interests and rights of the population of the Falklands". It also said that in view of the cost of the present policy to the UK, "some kind of accommodation with Argentina is not only inevitable but also desirable if the Falklands are to have any prospect of long-term economic prosperity and political stability". Nevertheless, the report accepted "the wisdom of the general approach now being adopted by HMG", and considered that HMG's opposition to talks with Argentina on the sovereignty of the Falkland Islands and dependencies is "no doubt prudent". ..." [243]

In Stanley, proposals for a new Constitution arrive, which include separation of the archipelago from its Dependencies. Falkland Councillors are reported as being, *"disturbed and angry."* Councillor John Cheek is quoted in *Penguin News; "If a future British Government wanted to come to some arrangement with Argentina over the Falklands, it would then exclude South Georgia and the South Sandwich Islands. Possibly they could get rid of the Falklands while retaining those dependencies."* [244]

"In important respects ... while the Dependencies have remained territorially distinct from the Falkland Island Colony, the Dependencies and Colony have become a governmental unit. The basic conception of dependency has in the process changed. Instead of being a territorially and governmentally separate unit, South Georgia etc. have come to be treated in important respects as territories governed by a single government – that of the Falkland Islands." [245]

"The Constitution issue seems to revive all the old suspicions of the Foreign Office." [246]

In the UK, aired on the BBC, an edition of *Brass Tacks* discusses whether it is "*time to talk*." Argentine Foreign Minister, Dante Caputo, speaks to the interviewers; *"I believe that it is entirely acceptable that the inhabitants of the islands should decide forms of administration, of education, and forms of social organisations best suited to their interests."* [247]

"... the Argentines are more concerned with titular sovereignty - with the flag, the colour on the map and with their pride, which we ought to understand. They believe that the transfer of sovereignty need not mean a change of life for the islanders." [248]

In a Christmas message to the Falklands, Prime Minister Margaret Thatcher emphasises; "*It is the wishes of the Falkland Islanders that are paramount and so it will continue to be.*" [249]

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243 *Falkland Focus* November/December 1984

244 Neither of the Falkland Islands councils – executive or legislative – had ever had a governance role over the Dependencies. Oversight of which had always fallen to the Governor of the Falkland Islands, alone. The first 'Governor and Commander-in-Chief of the ... Dependencies' had been Lieut-Governor Robinson in August, 1866.

245 Quoted in *Who owns the Falkland Island Dependencies in International Law? An Analysis of Certain Recent British and Argentine Official Statements* C. R. Symmons 1984 citing the *Memorandum by Dr. Murray: Appendix 30 to the Minutes of Evidence on the Falkland Islands* pp.494-495. But were they distinct?

246 *Falkland Islands Newsletter* 22 February 1985

247 Quoted by George Foulkes MP, speaking during *Falkland Islands (Foreign Affairs Committee Report) HC Deb 14 March 1985 vol.75 cc492-530*

248 *Falkland Islands (Foreign Affairs Committee Report) HC Deb 14 March 1985 vol.75 cc492-530*

249 Quoted in *Falkland Focus* November/December 1984

1985 – January 2nd, in response to the press release regarding a survey by *Firstland Oil & Gas*, Argentina announces that it does not recognise any right the Islanders have to explore for, or exploit, minerals or hydrocarbons.[250]

January 3rd, Argentina issue a press release recalling the "*usurpation*" of the Falkland islands in 1833. [251]

January 7th, at Stanley, Lord Trefgarne, Under-Secretary of State for Defence, arrives. Speaking to the local press, he confirms; *"The size of our forces here in the Falkland Islands is not dependent upon what we can afford; it is dependent upon the threat that we are facing."* [252]

January 10th, in London, PM Thatcher writes to the UK's Falkland Islands Committee; *"We shall stand by our commitment to the Islanders' right to live under a government of their own choosing..."* [253]

January 15th, in Stanley, the Legislative Council approves a new draft constitution for the Islands.

"Parliamentarians were swift to voice their anger in London, when it was announced ... that Falklanders are to have the right of self-determination guaranteed in the new constitution. Dr. David Owen of the Social Democrats accused Mrs Thatcher of giving Islanders the power of veto in any proposed solution for the dispute. He was supported by a number of MPs from both sides of the House. ... The Members of Parliament have been further exasperated by the Government's apparent intention to pass the constitutions for the Falklands and the Dependencies as Orders in Council. Approval of Parliament would not be necessary." [254]

January 17th, in London, the Conservative Government denies that the Islanders have any right of veto.

"Baronness Young, the Foreign Office Minister with responsibilities for the Falklands was reported to have said that Parliament would remain the supreme authority in matters to do with the future of the Falklands." [255]

January 19th, at Stanley, Dr. Alaine Low, of the South Atlantic Council (SAC), interviews Islanders.

"Despite claims of neutrality and obvious altruism, the South Atlantic Council is viewed as a highly organised and sinister league of fifth columnists. ... the Council believes it is necessary for Islanders to change the whole emphasis of the dispute. It is a vague concept that may have little chance of success, but the members believe that Islanders should base their claim on citizenship, rather than sovereignty. The former commodity, Dr. Low believes, is a much more tangible and attainable one. She points: out that the British way of life is seen by most Islanders as the most important item at stake in the dispute, and this could be guaranteed easily at the expense of sovereignty." [256]

In **February**, the British Government responds to the House of Commons Foreign Affairs Committee.[257]

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250 *UN Document A/40/72*

251 Notified to the UN General-Secretary on January 8, 1985. However, an examination of the UN digital library system does not produce this letter. Believed to be *UN Doc A/40/47* it may have been misfiled.

252 Quoted in *Penguin News* January 14, 1985

253 Founded in 1968 as the Falkland Islands Emergency Committee. Re-established in 1973 as the UK Falkland Islands Committee (UKFIC), this was the very effective lobby group made up of many of the "great and the good". It's lobbying function, not so necessary after the 1982 war, and lacking specific direction from the Islanders, the UKFIC morphed into the Falkland Islands Association, which continues to this day. See - https://www.fiassociation.com/

254 *Penguin News* January 14, 1985. Disturbing on many levels. As a Labour Party Foreign Secretary 1977-1979, Dr. David Owen had posed a particular threat to Islanders' rights; and to Britain's Dependencies which Owen had seriously considered handing over to Argentina. The notorious Ted Rowlands worked for David Owen.

255 *Ibid.*

256 *Ibid.* January 25, 1985. One of the complaints about the SAC was that it would not publish its membership lists. Believed to be around 50 from the communities of British politics, business, academicia and, indeed, Argentina.

257 See – https://falklandstimeline.files.wordpress.com/2018/01/foreign-affairs-committee-5th-report-1983-84.pdf

"The Government regret the Committee's reluctance to reach a categorical conclusion on the legal validity of Britain's title to the Islands. The Government's position on sovereignty over the Falkland Islands has been made clear on numerous occasions.

The Islands are British territory. Britain's title is derived from early settlement, reinforced by formal claims in the name of the Crown and completed by open, continuous, effective and peaceful possession, occupation and administration of the Islands since 1833." [258]

February 14th & 15th, in the United States, the University of Maryland hosts a third annual seminar on the subject of the Falkland Islands, attended by members of the South Atlantic Council (SAC). [259]

"When the participants met for the last of the three workshops in February 1985, the Argentine team included a member of the Senate Foreign Relations Committee and, for the first time, the team from London was joined by an influential Falkland Islander, indicating that conversations with the Argentine adversary had become viewed as a legitimate activity three years after the war. ... At Maryland III, ... discussions soon turned to a review of a draft paper written by two of the British participants which outlined a range of options for a long-term solution of the conflict over the Falklands/Malvinas. At the urging of the facilitators, much of the final two days of the workshop were spent drafting a set of agreeable principles for a settlement, which it was hoped might form the basis for discussion during a renewal of the abortive (Berne) talks. At the end of the third workshop, participants returned to their respective capitals with a draft of agreed principles as the main workshop output. The paper surveying "options" was later published as an ***Occasional Paper by SAC****. Maryland III saw the ending of this linked set of workshops. Participants seemed to feel that the format had been useful in restoring some contacts, in establishing linkages between ... the main adversaries dedicated to the search for a long-term solution, and in producing some creative ideas. However, it was also felt that the format was no longer useful as the parties' isolated positions of 1983 had been much eroded. Full restoration of something like normal communication had been, or was about to be, achieved, There seemed to be clear signs that formal diplomatic contacts would shortly be re-established."* [260]

February 16th, Argentina's government comments upon the prospect of constitutional change in the Falklands.

"The conditions and ways of life of the Malvinas Islands' inhabitants constitute an essential element of the negotiations that must take place with the United Kingdom ... the Argentine Constitution provides for a Federal system which grants autonomy to the provinces, opening the possibility to adopt a legal regime ensuring the islanders the preservation of their interests, way of life, traditions and patrimonial rights, with due guarantees within the frame of an overall solution." [261]

February 18th, Argentina complains to the United Nations regarding the proposed constitutional changes.

"The Government of the Argentine Republic expresses its concern at the news from London that the Government of the United Kingdom plans to reform the Constitution of the Malvinas Islands. The terms of this reform imply a total disregard of united Nations General Assembly resolutions 37/9,

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258 *Fifth Report from the Foreign Affairs Committee: Session 1983-84: Falkland Islands: Observations by Her Majesty's Government February 1985* para.3

259 Alistair Cameron, the Falklands Government representative in London, was due to attend, but I am unable to find any confirmation that he did so. *cf.* September, 1983 & April, 1984.

260 Mitchell 2000. My emphasis. Article by Bruce George MP and Walter Little. The latter appears to have been associated with Liverpool University and had written a short paper in 1984 entitled – *The Falklands Affair: A Review of the Literature.* See - https://www.staff.city.ac.uk/p.willetts/SAC/OP/OCCPAP01.PDF

261 *Argentine government comments on the constitution of the Malvinas Islands* quoted in Beck 1985

38/12 and 39/6 and, in particular, of the spirit of resolution 31/49, which calls upon the parties to refrain from taking decisions that would unilaterally modify the current situation.

Inappropriately invoking the principle of self-determination, this reform would supposedly grant the inhabitants of the Malvinas Islands the possibility of prolonging the colonial situation which exists there, while forgetting, inter alia, that they are now full British citizens in accordance with the Nationality Act adopted by the British Parliament in 1983.

Such power would appear to be even more surprising in view of its implication that the people of the islands could exercise the right to veto potential decisions of the United Kingdom Parliament concerning the Malvinas Islands, …" [262]

In Buenos Aires, a decree of the Government of Argentina (*No. 879*) repeals the creation of the *Military Gobierno de la Malvinas Islands, South Georgias y Sandwich del Sur* (decree *681* of 1982); returning those territories to the administration of Tierra del Fuego. [263]

February 21st, in Washington DC, during a press conference at the British Embassy, Margaret Thatcher is asked whether she has any plans; *"...to get the talks with Argentina on the Falklands dispute moving again?*

"No, certainly not! The Falkland Islands are under British sovereignty; their people wish most earnestly to stay British. Their wishes are paramount. That is a right to self-determination enshrined in the United Nations Charter. A nation now like Argentina, which has just come to democracy and has expressed its own self-determination, cannot require self-determination for itself and deny the same right to others."

At South Georgia, on the same day, Argentina's captured submarine, ARA *Santa Fé,* damaged in 1982 at Grytviken, is raised from its resting place in King Edward Cove and towed out to sea. Allowed to sink in deep waters off Cumberland Bay.

From Brussels, the European Commission calls for a 200-mile limit around the Falkland Islands.

"The European Parliament has backed an amendment to a resolution on fisheries as relevant to Spain and Portugal's accession to the EEC which "notes the fisheries potential of the Falklands which is an overseas territory of the Community and calls on the UK Government to declare a two hundred mile fishery zone around the Islands". In a letter to Sir Geoffrey Howe, Mr James Provan,MEP who tabled the resolution, called on the British Government to take urgent action to protect the fisheries around the Falklands." [264]

March 12th, in London, it is announced in the House of Commons that the title of Civil Commissioner of the Falkland Islands will lapse, with the title of 'Governor' restored.

"The Falkland Islands Constitution Order 1985 and the South Georgia and South Sandwich Islands Order 1985, both orders in Council have now been laid before Parliament under the British settlements Act 1887. These Orders are not subject to parliamentary proceedings and come into operation on 18 April 1985." [265]

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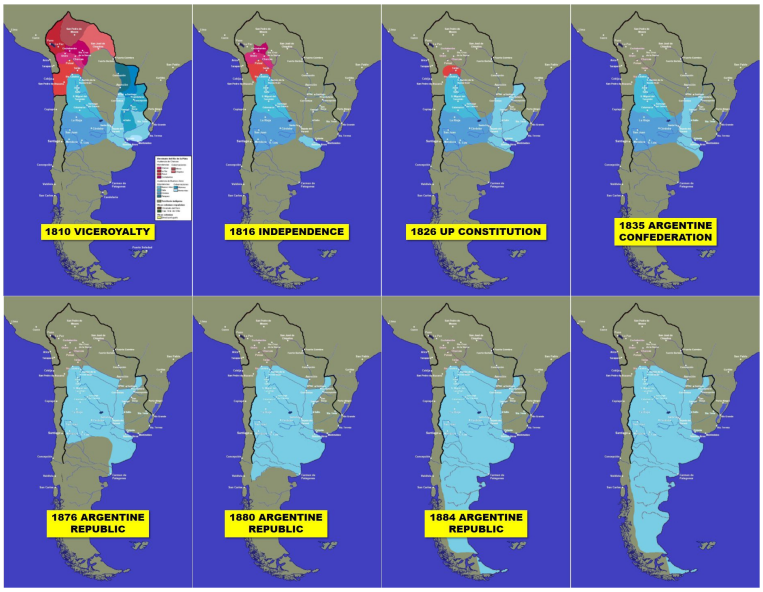
262 *UN Document A/40/132*. See - https://documents.un.org/doc/undoc/gen/n85/049/92/pdf/n8504992.pdf
263 See 1982 & 1990
264 *Falkland Focus* March 1985. Despite Britain's departure from the European Union, Spanish fishing vessels remain (writing in 2025) one of the largest group of customers for Falkland Islands fisheries licences.
265 *Ibid*

In Argentina, a poll considers the issue of territorial gains and losses during the country's history (right).*" ... in March 1985 the Gallup Institute of Argentina did us the favor of including the following question in one of its polls: "Regarding the issues of borders with other countries, there are those who maintain that, throughout its history, Argentina has gained territories for itself. Others, on the other hand, say that Argentina has lost territories. What is your opinion?" Two options were then presented, that is, "gained" or "lost", in that order. The survey covered a probabilistic sample of 1,021 cases in the Federal Capitals, Greater Buenos Aires, Rosario, Córdoba, Mendoza, Tucumán, Bahía Blanca and Mar del Plata. ... . 73.6 percent believed that Argentina had lost territories and only 6.4 percent said that, on the contrary, it had gained them. The hypothesis that the higher the educational level of the people, the greater the tendency to think that territories were lost was also confirmed: 86.1 percent of the sample with higher education thought that the country had lost territories, compared to only 61.0 percent with incomplete primary education. "Educated" people are the bearers of the information with which they were educated. As the political scientist Charles Merriam discovered in the distant decade of the 1930s, in a communist state, a "well-educated" citizen is a good communist; in a Nazi state, he is a good Nazi, and in Argentina, he wholeheartedly believes that the Malvinas were, are and will be his country's"* [266]



March 13th, from the UK, a letter to the Secretary-General informs the UN that the proposals for a new Falklands Constitution is consistent with its international obligations under both the Charter and the International Covenant on Civil and Political Rights (1966).[267]

March 14th, in London, Foreign Secretary Howe opens a debate on the report of the Foreign Affairs Select Committee published in December, 1984.

> *"Some concerns were expressed in the islands about the Government's decision to promulgate separate constitutions for the Falkland Islands and for the dependencies on the ground that this might imply an intention to relinquish sovereignty over the Falkland Islands while retaining the dependencies. I can assure the House that there are absolutely no grounds for that anxiety. We have no such intention.*
>
> *Our position on sovereignty is firm. That is one of the few points on which we take a different view from the Committee. I have to say that we were disappointed that its report did not reach a categorical conclusion on the legal validity of Britain's title to the Falkland Islands. Successive British Governments have had no such doubts. In their view - and in our view - the islands are British territory. Even so, there is good reason to make separate constitutional provision for the two territories. Although the dependencies have for convenience been administered from Port Stanley,*

266 *Apuntes Sobre Los Orígenes Del Nacionalismo Territorial Argentino* Carlos Escudé 2008 citing *The Making of Citizens: A Comparative Study of Methods of Civic Training* Charles Merriam 1935

267 *UN Document A/40/177*. The Covenant had come into force in 1976. Despite signing in 1968, Argentina did not ratify the Covenant until August, 1986. See - https://documents.un.org/doc/undoc/gen/n85/074/17/pdf/n8507417.pdf

they are a separate dependent territory with their own requirements. Unlike the Falkland Islands, they have no permanent population and, therefore, no need for representative government. …

The close relationship that has long existed between the two territories will be reflected in the new arrangements that we propose. The Governor of the Falkland Islands will also be Commissioner for South Georgia and the South Sandwich Islands. In this capacity, he will consult the Executive Council of the Falkland Islands on matters relating to the dependencies which might affect the Falkland Islands. The new constitution for the Falkland Islands contains one important new element. The island councillors expressed the view that the constitution should include a reference to their right of self-determination. We agree with them. … They make up a peaceful and homogeneous community which has developed democratic institutions over more than a century. Their right to self-determination will now be reflected in their constitution, and we shall uphold it." [268]

On the issue of Argentine claims, Howe tells the House; *"… we are not prepared to discuss with Argentina sovereignty over the Falkland Islands. The Government believe that Argentine actions in 1982 have ruled that out."* Pressed on the issue by Dr. David Owen, Howe adds; *"… I did answer the question. I said that there were many ways of discussing sovereignty, and many arrangements that could be suggested for it, but we are not prepared to discuss sovereignty. As we have made clear, we are anxious to begin discussing the range of practical questions which could sensibly be addressed …"* [269]

During the same debate, Sir Anthony Kershaw answers questions on behalf of the Government.

"I have no doubt that the British claim to sovereignty over the Falklands is sound in law. It must be granted that the various claims made before 1833 and the landings that took place present a somewhat confusing picture. The British occupation in 1833 was a legitimate and legally respectable action, which, having been followed by continuous occupation and administration, enthusiastically supported by the population, makes undeniably good our legal claim to sovereignty. The fact that the Argentines believe the opposite is irrelevant."

Parliamentary Under-Secretary for Foreign and Commonwealth Affairs, Tim Renton, closes the debate.

"It is we who have been trying constantly to open the window and it is the Argentines who so far have always slammed it shut again. We regret that they are not yet ready to accept that, while the issue of sovereignty must be set aside, discussion of other outstanding problems would help promote a climate of greater trust, to our mutual benefit. So far Argentina has not been prepared to share this reasonable approach, but we shall persevere in our attempts and we must hope that Argentina will respond to the steps that we have proposed. …

We want to improve relations with Argentina. We stand by our commitments to the Falkland Islands. There is nothing incompatible in those two aims. We are confident that this is the right approach, and that no sensible alternative to it exists. We shall, therefore, continue to implement it with determination and energy. I have no doubt that the House will endorse that approach." [270]

268 *Falkland Islands (Foreign Affairs Committee Report) HC Deb 14 March 1985 vol.75 cc492-530* Full debate here – https://api.parliament.uk/historic-hansard/commons/1985/mar/14/falkland-islands-foreign-affairs
269 *Ibid.*
270 *Ibid.*

March 18th, in New York, Argentina claims that the UK is obligated by the United Nations Charter to seek a peaceful settlement of the sovereignty dispute citing Article 33.

> *"Art.33 (1): The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."*

"It is clear from the wording of Article 33 that the obligation to settle disputes by peaceful means does not apply to all disputes, but only to those disputes "the continuance of which is likely to endanger the maintenance of international peace and security."..." [271]

April 18th, the new Falklands Constitution comes into force, with the territory becoming a *'parliamentary representative democratic dependency'*.[272] The Governor, as the Queen's representative, remains head of the Falkland Islands Government (FIG); retaining responsibility for foreign affairs and defence.

April 20th, Argentina responds to Britain's letter of March 13th to the UN, rejecting Britain's arguments and accusing the UK governmentof "*obstructing a negotiated comprehensive settlement*". [273]

April 22nd, in Buenos Aires, General Galtieri and other members of the 1982 junta are put on trial in a military court. Charges include human rights violations and mismanagement of the Falklands campaign. [274]

May 2nd, in Italy, at the Vatican, representatives of Chile and Argentina sign an agreement regarding the Beagle Channel Islands.

"... Chile has full economic rights to the area west of the boundary line and Argentina has all rights to the east. ... The all important boundary line represents, in principle, an Argentine concession for it recognises Chilean sovereignty over all the disputed islands. ... Chile thus gains control over all islands south of the Beagle Channel, as understood in the 1977 award; with a boundary drawn from north to south from Cape Horn, Argentina reclaims the bioceanic principle. ... In the final analysis, neither side is perfectly happy with the outcome, but each is content ..." [275]

May 12th, in the Falklands, Prince Andrew officially opens Mount Pleasant airport (right). Defence Secretary Michael Heseltine comments that it is not the UK's intention to establish the Islands as a strategic base, nor is there any NATO involvement.

May 16th, in the UK, George Foulkes MP, is interviewed on Breakfast Television.

"I give this pledge on behalf of the Labour Party: we would never sell out the Falklanders. We want to find a solution which allows Fortress Falklands to be phased down; which allows us to have peace with Argentina; and to get back onto

271 *The Obligation to Negotiate in International Law: Rules and Realities* Martin A. Rogoff 1994 p.156
272 See - https://falklandstimeline.files.wordpress.com/2018/01/const-85.pdf
273 *UN Document A/40/187.* See - https://documents.un.org/doc/undoc/gen/n85/080/42/pdf/n8508042.pdf
274 Members of three of the four juntas were tried for, *inter alia,* murder, torture and robbery. See below
275 *The Beagle Channel Dispute: Confrontation and Negotiation in the Southern Cone* James L. Garret 1985 in *Journal of Interamerican Studies and World Affairs* vol.27 no.3 (Autumn 1985) pp.81-109. The bioceanic principle determines that Chile is a Pacific Ocean country, while Argentina is an Atlantic Ocean nation. Argentina also agreed to undertake to maintain, at any time and in whatever circumstances, the right of ships of **all** flags to navigate expeditiously and without obstacles through its jurisdictional waters to and from the Strait of Magellan. However, see 2010.

diplomatic relations with Argentina but we want to protect the interests of the Falklanders and respect their wishes." [276]

In New York, on the same day, Argentina complains to the UN Secretary-General that the opening of a new airport in the Falklands represents an escalation in Britain's *"militarization"* of the archipelago.

> *"... far from helping to solve the problems with Argentina and contributing to stability in the South Atlantic, British policy in that region pursues strategic and global objectives which transcend the framework of the Malvinas, South Georgia and the South Sandwich Islands, and run counter to the genuine interests of Latin America and the world with respect to peace and security. The new airport, coupled with the presence in the area of nuclear-capable warships and submarines, missile installations, highly sophisticated radar systems and military personnel numbering 4,000, is evidence of such serious intentions...."* [277]

May 23rd, in London, the Defence Committee of the House of Commons reports; *"... it was explained that the total Falklands costs over the period 1982 to 1994 will be some £4,650 million at 1983/4 prices; almost exactly half the programme cost of Trident on the same price base and over a rather longer period."* [278]

May 29th, in a letter to the UN, Britain responds to Argentina's complaints of May 16th.

> *"This airport has a dual civil and military role. It has from the first been planned to contribute significantly to the future economic development of the Islands, as well as improving our capacity to reinforce the Islands in an emergency should that be necessary. ...*
>
> *The people of the Falkland Islands suffered a traumatic invasion and military occupation only three years ago. Not surprisingly, they expect the administering power to defend them against any renewed attack. The construction of a new airport, suitable for use by modern wide-bodied jets, is a necessary element in the United Kingdom Government's policy of deterring aggression and of providing tor the defence or the Islands against attack.*
>
> *The United Kingdom's forces are maintained at the minimum level necessary to fulfil this defensive mission, They threaten no one. Indeed their presence contributes to peace and security in the region."* [279]

May 30th, the Organization of American States adopts a resolution expressing concern at the establishment of military facilities in the Islands; nine Caribbean members, and the USA, abstain. Canada votes against.

June 14th, in London, HM Queen Elizabeth II unveils a memorial in St. Paul's Cathedral crypt to the 255 British servicemen who died during the Falklands War. Prince Andrew lays a wreath on behalf of the Falkland Islanders.

July 8th, in Parliament, the British Government announces that; *"... better relations with Argentina could only realistically be achieved by seeking agreement on practical issues; and that, as a step in that direction, it was lifting, with effect from midnight that day, the ban on imports from Argentina which had been in place since April (7) 1982."* [280]

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276 Quoted in *Falkland Focus* April-May 1985

277 *UN Document A/40/317*. See - https://documents.un.org/doc/undoc/gen/n85/147/91/pdf/n8514791.pdf

278 *Further forward thoughts on the Falklands* Malcolm Deas 1989 in *Britain and Latin America: a changing relationship* Victor Bulmer-Thomas (ed.) 1989. Deas cites *British Defence Policy and the South Atlantic* (*South Atlantic Council Occasional Paper No.2, May 1986)* by General Sir Hugh Beach.

279 *UN Document A/40/345* See - https://documents.un.org/doc/undoc/gen/n85/160/22/pdf/n8516022.pdf

280 *UN Document A/40/468.*See - https://documents.un.org/doc/undoc/gen/n85/202/91/pdf/n8520291.pdf

July 10th, in a press *communique*, Buenos Aires responds to the UK's parliamentary statement of the 8th.

> "*What separates the Argentine Republic from the United Kingdom is the question of sovereignty over the Malvinas, South Georgia and South Sandwich Islands. This is the basic problem; if it did not exist, neither would there exist difficulties with respect to trade, economic and diplomatic relations. This is not to say that the transfer of, sovereignty is essential in order to bring about the resumption of trade and diplomatic relations. It merely means that such resumption would have solid foundations once the matter which separates the two nations ceases to be ignored by one of them. ...*
>
> *The United Kingdom Government is quite correct in its observation that we must advance step by step in order to rebuild mutual trust and solve all our problems. That is a realistic and appropriate position. What is not realistic is the attempt to advance step by step in secondary matters, brushing aside all treatment of the fundamental discrepancy. ... a stable relationship requires that the central issue separating our two nations should not be ignored; secondly, mutual trust requires the elimination of threats to the security of the Argentine Republic of any type, such as the threat presented b1r the excessive and disproportionate militarization of the islands, and the maintenance of the so-called protection zone. ... Hence it has been the policy of the Argentine Republic upheld by numerous decisions of the United Nations and other multilateral forums to maintain that the problem of sovereignty must necessarily be included in any type of negotiation undertaken with the United Kingdom....*
>
> *Accordingly, it invites the United Kingdom Government to initiate negotiations in the course of the next 60 days, and to this end it is prepared to embark on the necessary preparations forthwith, either through the mission of good offices entrusted by the General Assembly to the Secretary-General of the United Nations or, if preferred, through friendly Powers that represent the respective interests.*
>
> *The Argentine Government has not deemed it necessary to make a formal declaration of cessation of hostilities, the de facto existence of which has been recognized in various resolutions of the United Nations. However, if this matter is viewed by the United Kingdom Government as the remaining obstacle to the initiation of negotiations, the Argentine Government would be prepared to make the declaration as soon as the United Kingdom Government agrees to initiate the general negotiations repeatedly recommended by the international community."* [281]

July 12th, in New York, Britain's mission to the United Nations calls Argentina's response; *"... a disappointing response to the initiative we took in lifting the ban on Argentine imports... their statement does not indicate any willingness to reciprocate directly. ... Our statement of 8 July made it absolutely clear that we are not prepared to discuss sovereignty."* [282]

July 25th, in Britain's House of Commons, MP George Foulkes ask the Foreign Secretary what discussion have been held regarding offshore oil explorations around the Falklands archipelago. Answering, Ronald Timothy Renton MP states that *Firstland Oil & Gas* have expressed an interest, and the matter is being considered. [283]

An Argentine Naval *Electra* aircraft is intercepted by two British *Phantoms* as it approaches the archipelago.

July 29th, Argentina complains to the United Nations; *"... that on 25 July one of its naval aircraft on a maritime transit control flight was intercepted for 12 minutes by two United Kingdom Phantom aircraft*

281 *UN Document A/40/478*
282 *UN Document A/40/496*
283 *Hansard, House of Commons, July 25, 1985, Written Answers vol.83*

within the 200-mile area of Argentina's jurisdiction and more than 15 miles from the outer limit of the exclusion zone unilaterally set up around the Malvinas by the United Kingdom. ... Because of the responsibility which your mandate carries with it, the Argentine Government is compelled by this blatantly provocative situation to inform you of the above incident." [284]

August 2nd, the UK tells the UN Secretary-General that; *"... two United Kingdom aircraft were dispatched for inspection. They identified it as an Argentine Electra but made no contact and did not harass it. The three aircraft were flying in international airspace and there was no justification for Argentina to describe this routine operation as blatantly provocative. ... as Argentina had not declared a formal cessation of hostilities and continued to purchase sophisticated weaponry, forces had to be maintained at the minimum level necessary to defend the Islands from attack."* [285]

August 9th, in New York, the United Nations Special Committee on Decolonization expresses; *"... regret that the resumption of talks had not taken place due to the United Kingdom's refusal to deal with the sovereignty issue..."*

> *"The Committee was addressed by Falkland Islands Councillor John Cheek who explained the Islanders' views and their wishes for the future. However, the Decolonisation Committee approved by 20-0 with four abstentions the resolution, sponsored by Chile, Cuba and Venezuela, urging resumed negotiations and criticizing British 'militarization' of the Islands."* [286]

September 12th, in Buenos Aires, at a press conference, Argentina's Foreign Minister Dante Caputo notes:

> "*The 60-day period following the invitation which the Argentine government through me, gave to the United Kingdom Government, to resume negotiations on the question of the Malvinas islands within that period, ended on 11 September. In that invitation, the Argentine government also said that it was prepared to embark on the necessary preparations forthwith, either through the mission of good offices entrusted to the Secretary-General by the United Nations General Assembly or through the friendly protecting powers who represent the countries respective interests.... Thus far, however, the United Kingdom government has given no positive response to the Argentine invitation. This blatant indifference shows how little importance the United Kingdom, a permanent member of the Security Council, attaches to the Organization' s decisions.... We therefore appeal to the reason and good sense of the United Kingdom authorities, which cannot continue to ignore the existence of a dispute which they have acknowledged on numerous occasions.... There is thus no remaining justification for the United Kingdom's conduct other than the attempt to perpetuate an anachronistic and illegal colonial situation, ignoring United Nations mandates applicable to the situation."* [287]

September 18th, in Paris, President Alfonsín talks with the leader of Britain's Labour Party, Neil Kinnock.

> *"Both agreed on the need for the re-establishment of diplomatic and commercial relations between the Argentine Republic and the United Kingdom. To that end, they expressed their desire that negotiations should be initiated to explore the means of resolving the outstanding problems between the two countries, including all aspects of the future of the Falkland Islands (Malvinas).*

284 *UN Document A/40/516*. See - https://documents.un.org/doc/undoc/gen/n85/220/11/pdf/n8522011.pdf
285 *UN Document A/40/527.* See - https://documents.un.org/doc/undoc/gen/n85/223/52/pdf/n8522352.pdf
286 *Falkland Focus* August/September 1985
287 *UN Document A/40/646*

They also jointly stressed the importance for the inhabitants of those islands of effectively guaranteeing the preservation of their customs, their ways of life and traditions, as well as respect for forms of administration, education and social and economic organization.

In that connection, Mr. Kinnock stressed the fundamental importance of taking fully into account the interests of the inhabitants of the islands, and President Alfonsin pointed to the range and the extent of the rights guaranteed by Argentina's democratic Constitution. President Alfonsin and Mr. Kinnock expressed their appreciation to the Socialist International Secretariat for facilitating their useful meeting." [288]

"Among a number of issues discussed at the meeting, Argentina reported that both sides had expressed the desire that negotiations be initiated to explore the means of resolving the outstanding problems between the two countries, including all aspects of the future of the Falkland Islands." [289]

"In 1985, President Alfonsin signed a statement with the head of the British Labour Party. In this statement it said that if the Labour Party won the elections, they were going to negotiate sovereignty." [290]

"(Another) tenuous bilateral attempt was, ..., the signing of an agreement between President Alfonsin and British Labour leader Neil Kinnock in September 1985 in Paris. In it both governments pledged to resume negotiations for the Falklands, should Labour return to power in the United Kingdom. At the end of the meeting .., Alfonsin and Kinnock had released a joint communiqué in which they expressed their agreement to re-establish diplomatic relations and noted two important commitments: 1) It hoped that negotiations would begin to explore ways of resolving the outstanding problems between the two countries, including all aspects of the future of the Malvinas Islands. 2) They also jointly stressed the importance for island dwellers of effectively ensuring the preservation of their customs, ways of life and traditions. After the meeting, Kinnock went further and told reporters that "the issue of sovereignty is very complex, it will take a long time and can only be included at the end of a period of negotiations", but Kinnock lost the elections to Major, ... and also the leadership of the party, which resulted in the compromise disappearing." [291]

At a press conference in Cairo, PM Thatcher is asked to comment on the meeting between Alfonsín and Kinnock.

"I am somewhat surprised at the decision. After all, the Argentine has not formally declared an end to hostilities; although we have urged her to do so, she has not done so. Nevertheless, in spite of that, we have done all we can to restore ordinary commercial relations between the Argentine and Great Britain and we now agree to imports from the Argentine. In spite of the strenuous efforts we have made, there has been absolutely no response from the Argentine. They do not wish to restore commercial relations. They only wish to discuss the sovereignty of the Falklands. I therefore am very surprised at Mr. Kinnock's visit, very surprised indeed, and I feel that it will deeply upset the people of the Falkland Islands. It is unfortunate that Neil Kinnock, who had neither met nor consulted with the Falkland Islanders, felt able to discuss their sovereignty with their recent aggressor, ..." [292]

September 25th, in New York, addressing the opening session of the UN, Britain's Foreign Secretary, Sir Geoffrey Howe, speaks of the UK's interest in establishing a 'multi-national' conservation zone around the Falklands archipelago.

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288 *UN Document A/40/662*

289 *UN Yearbook 39. 1985* (published 1989). No confirmation of this interpretation of the talks was forthcoming from the British Labour Party.

290 Former Argentine Foreign Minister, Dante Caputo, quoted in *La Prensa* May 3, 1998

291 Romero 2020

292 *Falkland Islands Newsletter* November 1985

"Britain should unilaterally impose and enforce a fisheries protection zone around the Falklands, Argentine Senator Escorihuela said, according to press reports. Mr Escorihuela, Vice-President of the Senate Commission on natural resources and environment, said that vast over-fishing by foreign ships was now taking place within the 150 mile protection zone. According to his information, the Spanish fleet alone was now taking as much fish in one year as had been caught over the previous fifteen years." [293]

September 27, at Port Stanley, Daniel Spraggon MHM, second Apostolic Prefect for the Falklands dies.[294]

October 3rd, South Georgia and the South Sandwich Islands together are declared to be a separate territory; under the control of a Commissioner.[295]

October 6th, in Madrid, British Liberal Party leader David Steel, speaks to Argentina's President Alfonsín.

> *"...President Alfonsin and Mr. Steel agreed on the need to find a peaceful and negotiated settlement to the dispute over the Malvinas islands and the other problems pending between the two countries. ... They recalled that prior to the conflict in 1982 the governments of the two countries, for almost 20 years, although intermittently, had been trying !o reach an agreement on the future at the Malvinas Islands. In 1980 the British government had held talks with the then Argentine government concerning a possible change of sovereignty.*
>
> *President Alfonsin and Mr. Steel maintained that, democracy having been restored in Argentina, both countries should now work together. and they indicated their firm resolve to find a solution to that long-standing dispute. Both underscored the importance of providing the islanders with effective guarantees of the preservation for their way of life.*
>
> *President ALfonsin and Mr. Steel agreed that the process of achieving a peaceful and negotiated solution to the dispute should include a formal cessation of hostilities and a tifting of the exclusion zone, the restoration of diplomatic and trade relations, and the resumption of negotiations on all issues concerning the future of the Malvinas islands. including sovereignty. Preparations for those talks should be undertaken simultaneously and without delay by both Governments."* [296]

"With reference to the statements made by the leader of the Opposition, Mr. Neil Kinnock, and the leader of the Liberal Party Mr. David Steel, following their meeting with President Alfonsin of Argentina. Their statements gave no thought to the wishes, interests or rights of the Falkland Islanders. The wishes of the Islanders are to remain British, and our interests lie in a British way of life under a British flag. Our rights are to live under a democratic government of our own choosing, as laid down in our new constitution which was supported by the British Parliament. Although both men went out of their way to accomodate the Argentine stance, neither made any attempt to discover the Falkland Islanders viewpoint, and yet they are both prepared to make statements in the 'Islanders interests'. We are shocked that such statements can be issued so soon after British lives were lost fighting to liberate British territory, free British subjects and restore their right to self-determination." [297]

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293 *Falkland Focus* August/September 1985

294 Buried Stanley Cemetery.

295 *The South Georgia & South Sandwich Islands Gazette 1985 (December).* The Governor of the Falkland Islands was also designated as Commissioner for the SG/SSI territory and High Commissioner for the British Antarctic Territory. A practical solution. See - https://laws.gov.gs/wp-content/uploads/2022/05/1985.pdf

296 *UN Document A/40/734*

297 *Penguin News* October 21, 1985 quoting a statement issued by the Falkland Islands Council on October 8, 1985

*"In September 1985, Neil Kinnock (then the leader of the Labour Party) met President Alfonsin at the Socialist International in Paris and in October 1985 David Steel (then the leader of the Liberal Party) met Alfonsin at the Liberal International in Madrid. The **SAC was involved** in both these meetings and at each one an agreed statement was announced."* [298]

October 13th, from Stanley, Sir Rex Hunt finally departs at the end of his tour and on his retirement.

"Sir Rex and Lady Hunt departed from the Falklands during the afternoon of Sunday October 13th after a highly eventful tour of duty. The farewell proceedings began a month or more ago when Sir Rex and Lady Mavis commenced on a tour which included every Farm Settlement in the Falklands to say goodbye. Then on the evening of Saturday October 12th at a Public Reception held in the Town Hall to say farewell to the people of Stanley, Sir Rex was presented with the Freedom of Stanley by Members of the Islands Councils represented by Financial Treasurer Harold Rowlands, on behalf of the people of the Falklands. Only Prime Minister Mrs Margaret Thatcher and the Corps of Royal Marines have previously received this honour." [299]

October 15th, the Falkland Islands new Governor, Gordon Wesley Jewkes, is sworn in at Stanley. [300]

November 12th, in London, a delegation from the Islands, puts the case for a 200-mile Exclusive Fishing Zone around the archipelago to Sir Geoffrey Howe.

> *"... the Committee challenged strongly the official assessment of the economic value of an Exclusive Fisheries Zone around the Islands. This assessment was based on the Beddington Report which has been recently published and which the Committee asserted seriously under-estimates the level of catches and thereby the potential licence revenue."* [301]

November 14th, Argentina agrees to a study of its fisheries by the UN's Food and Agriculture Organisation.

November 27th, at the UN, the General Assembly debate a draft-resolution entitled *Question of the Falkland Islands*, calling for an *"initiation"* of negotiations between Britain and Argentina over their *"pending problems."* Two amendments are proposed by the UK. The first inserts, as the second preambular paragraph, an affirmation that peoples may *"freely determine their political status."* The second amendment adds a reference to self-determination to the first operative paragraph. Argentina opposes these amendments, arguing that they are prejudicial to its case and favour the UK.

> *"The Assembly rejected, by recorded votes requested by Argentina, two amendments proposed by the United Kingdom. By 60 votes to 38, with 43 abstentions, it rejected a proposal to insert a new second preambular paragraph, by which the Assembly would have reaffirmed the right of all peoples to self-determination and "... by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". Another proposal, to add the phrase "and the right there under of peoples to self- determination" at the end of paragraph 1, was rejected by 57 votes to 36, with 47 abstentions."* [302]

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298 From the South Atlantic Council's website, 2017. My emphasis. *cf.* December 1983

299 *Penguin News* October 21, 1985

300 Not gazetted. Also Commissioner for the SG/SSI territory and High Commissioner for the British Antarctic Territory.

301 *Falkland Islands Newsletter* February 1986. This cites *The Fisheries around the Falklands* J.R. Beddington, S. Brault & J. Gulland 1985

302 *UN Year Book 1985*. Argentina now cites the failure of Britain's amendments as a rejection by the UN of the Islanders' right to self-determination. This was not the case, as any examination of the '*explanations of vote*' demonstrates. *cf*. 2008

"Belize voted for the amendments to ensure protection of the rights of the people of the Falkland Islands to self-determination. Also supporting the amendments, Samoa believed that the right of self-determination could have been more explicit in the draft, and Fiji added that the call for negotiations should not be at the cost of the fundamental right of the Falkland Islanders to have a say in their own future. Welcoming the conciliatory nature of the draft resolution, Botswana also supported the amendments, saying that the Falkland Islanders were entitled to the right to self-determination. … A number of delegations, considering the draft resolution to be constructive, also felt the adoption of the amendments would have further strengthened the text and voted in favour of both the amendments and the draft resolution. Among them, the Sudan thought the amendments would have increased the effectiveness of the text, even though the principle was already contained therein. … Austria, Barbados, Chile, Italy, Samoa, Somalia and Trinidad and Tobago understood the reference in the draft to the United Nations Charter to include all the principles and rights embodied in that document." [303]

"Two British amendments reaffirming the right to self-determination of peoples in general and the Falkland Islanders in particular were voted down… Several countries that voted against the British amendments on Wednesday explained that they did not oppose the principle of self-determination, but felt its inclusion in the resolution would add an issue of substance to what was essentially a procedural resolution aimed at getting the two sides to the negotiating table. The United States and a number of Britain's other allies abstained on the British amendments and supported the resolution." [304]

"Britain's argument for the self-determination of the islanders to be included in any negotiation process was openly criticised as being an attempt to precondition the negotiation. In an attempt to attain some concessions, the British proposed two amendments to the resolution. The first would have seen a preambular paragraph added making reference to the UN charter and its endorsement of self-determination, and the second, an amendment to the first operative paragraph adding 'and the right there under of peoples to self-determination'. However, the representative of Ghana again summed up the general opinion of the assembly on these amendments when he stated, 'the amendments proposed by the United Kingdom are on the surface reasonable but they are tantamount to a precondition in effect. The United Kingdom delegation is attached to the principle of self-determination but so is Argentina attached to the principle of the transfer of sovereignty'. This sentiment was endorsed by other members of the General Assembly in the later debate and both amendments were defeated." [305]

The original draft-resolution (without amendments) is put to a vote in the General Assembly.

"… it was very important the support that Argentina obtained on the Malvinas issue in the General Assembly. That was why a great balance had to be struck in order to obtain votes from Arab and Non-Aligned Countries. The balance was due to the existing problems between Guyana and Venezuela, Belize and Guatemala. The search for favorable votes produced great wear and tear, but they got them." [306]

With 107 votes in favour, 4 opposed and 41 abstentions, the General Assembly adopts resolution *40/21* - [307]

> *"Aware of the interest of the international community in the peaceful and definitive settlement by the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland of all their differences, in accordance with the Charter of the United Nations,…*

303 *Ibid.*
304 *Associated Press* Nov 27, 1985
305 Bagnall 2021
306 Argentina's Defence Minister Raul Alconada Sempe quoted in Romero 2020
307 See - https://research.un.org/en/docs/ga/quick/regular/40

Taking note of the interest repeatedly expressed by both parties in normalizing their relations,

Convinced that such purpose would be facilitated by a global negotiation between both Governments that will allow them to rebuild mutual confidence on a solid basis and to resolve the pending problems, including all aspects on the future of the Falkland Islands (Malvinas).

1. Requests the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the ***pending problems*** *between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations.* [308] *...*

3. Requests the Secretary-General to submit to the General Assembly at its forty-first session a report on the progress made..." [309]

"In explanation of vote, Portugal said that, despite the undeniable merits in the draft, particularly with respect to the opportunities afforded for negotiations, it was wary of any text that could be construed in a way that failed to deal adequately with the global aspects stemming from the principle of self-determination. Solomon Islands felt that the lack of reference to the people of the Falkland Islands weakened the good intent of the draft... Papua New Guinea said that another principal party not included in the negotiation process was the people of the Falkland Islands; it would have supported the text if it had included the principle of self-determination. The Federal Republic of Germany and Ireland, which had voted for the amendments because of the importance of self-determination, had abstained on the resolution to reflect their wish not to take a position on the merits of the dispute. Maldives believed that a question involving the future of a people should accommodate the interests of the people concerned." [310]

"We regret the result. The Falkland Islanders also regret it. We are all disappointed over the attitude taken towards a fundamental principle of the United Nations." [311]

"Although the sponsors presented the adopted resolution as neutral, it was a smiling Argentine Foreign Minister Dante M. Caputo who accepted the congratulations of delegates. Argentina was not among the resolution's 13 sponsors, but British Ambassador Sir John Thomson contended during the two-day debate that the resolution was "100 percent made in Argentina" - an allegation denied by the sponsors." [312]

"A marked change took place in 1985 with the adoption of 40/21 which did not refer to any previous Resolutions ... Not alluding to Resolution 2065 (XX) was as much of a plus as a minus for the UK since any benefit obtained by the emphasis which it had placed upon the principle of self-determination was easily outweighed by its anti-colonialist tone. ... Resolution 40/21 implied a gradualist approach to solving the outstanding problems, ..." [313]

308 My emphasis. See April 14, 1984 above.
309 See November 13, 1986 below
310 *UN Yearbook 1985*
311 British Ambassador Sir John Thompson quoted by Associated Press Nov 27, 1985
312 *Associated Press* Nov 27, 1985
313 *The Restoration of Diplomatic Relations between Argentina and the United Kingdom* Malcolm Evans in *The International and Comparative Law Quarterly* vol.40 no.2 April 1991

43rd plenary meeting
30 October 1984

39/6. Question of the Falkland Islands (Malvinas)[14]

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas) and having received the report of the Secretary-General,[15]

Recalling its resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982 and 38/12 of 16 November 1983, together with Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the obligation of States to settle their international disputes by peaceful means and recalling that, in this respect, the General Assembly has repeatedly requested the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful, just and definitive solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

Observing with concern that, in spite of the time which has elapsed since the adoption of resolution 2065 (XX), the prolonged dispute has not yet been resolved,

Aware of the interest of the international community in the settlement by the Governments of Argentina and the United Kingdom of all their differences, in accordance with the United Nations ideals of peace and friendship among peoples,

Taking note of the communiqué issued by the representatives of the Government of Switzerland and the Government of Brazil at Berne on 20 July 1984,[16]

Reaffirming the need for the parties to take due account of the interests of the population of the Falkland Islands (Malvinas) in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 37/9 and 38/12,

1. *Reiterates its request* to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute and their remaining differences relating to the question of the Falkland Islands (Malvinas);

2. *Requests* the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;

3. *Requests* the Secretary-General to submit to the General Assembly at its fortieth session a report on the progress made in the implementation of the present resolution;

4. *Decides* to include in the provisional agenda of its fortieth session the item entitled "Question of the Falkland Islands (Malvinas)".

46th plenary meeting
1 November 1984

[14] See also sect. I, footnote 6, and sect. X.B.5, decision 39/404.
[15] A/39/589.

40/21. Question of the Falkland Islands (Malvinas)[34]

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas) and having received the report of the Secretary-General,[35]

Aware of the interest of the international community in the peaceful and definitive settlement by the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland of all their differences, in accordance with the Charter of the United Nations,

Taking note of the interest repeatedly expressed by both parties in normalizing their relations,

Convinced that such purpose would be facilitated by a global negotiation between both Governments that will allow them to rebuild mutual confidence on a solid basis and to resolve the pending problems, including all aspects on the future of the Falkland Islands (Malvinas),

1. *Requests* the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the pending problems between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations;

2. *Requests* the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;

3. *Requests* the Secretary-General to submit to the General Assembly at its forty-first session a report on the progress made in the implementation of the present resolution;

4. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Question of the Falkland Islands (Malvinas)".

95th plenary meeting
27 November 1985

Researcher's Comment: It is worth comparing the resolution of 1984, with this new Falklands resolution of 1985. Preambular paragraphs had been reduced from seven to three, with no *Recalling* of previous UN resolutions. Six previous resolutions from 2065 of 1965 to 39/6 of 1984 removed. Gone. Replaced at the UN, at Argentina's apparent request, in 1985. Also the dispute was reduced to "*pending problems*". No mention of sovereignty. This outcome, I suggest, was rather more important than the loss of an amendment.

"For the annual debate at the United Nations General Assembly in November, the Argentines changed tactics compared to the previous three years. They dropped the direct call for Britain to negotiate about sovereignty, talking instead of "the problems pending …, including all aspects of the future of the Falkland Islands", and they dropped Latin American Group sponsorship of the resolution, using instead a mixed group of seven developing countries. The result was a change in the Assembly's voting – from 89 in favour to 9 against with 54 abstentions in 1984, to 107 in favour to 4 against with 41 abstentions in 1985. The British government had become highly isolated on this question." [314]

"An extremely important change occurred at the United Nations in 1985 when the radical government decided to revisit the Malvinas issue after the Malvinas people adopted a new constitution that same year. Among other things, it gave Islanders greater control over their domestic affairs through greater powers in its Legislative Assembly. However, the most important point of the Constitution was that the United Kingdom granted Islanders full citizenship. … Argentina sought to deal with this new situation and to amend the text of the resolution that was presented every year to the General Assembly with the ultimate objective of maintaining the Malvinas theme, with greater support for possible votes … Resolution 40/21 of 27 November 1985 rejected the two amendments proposed by the United Kingdom (thus giving reason to the Argentine view that the inhabitants of the Malvinas are not a people) and used broader terms, covering all matters concerning the future of the islands, without any specific mention of the claim of sovereignty to remove the British arguments in favour of their opposition campaign." [315]

November 28th, in London, the Falklands are raised at Prime Minister's Questions in the House of Commons.[316] Social Democratic Party MP Dr. David Owen calls upon the PM to recognise the democratically elected Argentine government and open negotiations.

> "*Is the Prime Minister aware that during the war against the Argentines in the Falklands she used the United Nations charter as the reason why we resisted the aggression of the Argentines? Is she further aware that that same United Nations charter imposes an obligation on Britain, as on all other countries, to try to settle their disputes by the use of negotiations (interruption). Negotiation does not mean surrender. It is perfectly possible to enter into negotiations on all aspects while reserving our position on sovereignty. It is high time that the Prime Minister and the Government recognised the democratic Government in Argentina and accepted that the democratically elected President of Argentina has criticised the junta which preceeded him."*

Thatcher responds.

> *"The right hon. Gentleman will be aware that we have tried to negotiate with the Argentines on other matters. Indeed, we have tried to restore normal commercial relations, but they have refused. Nevertheless, we have permitted imports into this country from Argentina. Thus, there is nothing about which to criticise this Government.*
>
> *The right hon. Gentleman referred to the UN charter. He will be aware that we tabled an amendment to the relevant motion before the General Assembly. That amendment was designed to uphold the right of self-determination of the people of the Falkland Islands. The UN turned down that amendment. "*

314 From the website of the South Atlantic Council (SAC) 2017.

315 Romero 2020. The United Nations had, in effect, recognised the Falkland Islanders as a people in 1952 with UN resolution 567(VI). No people, no NSGT.

316 In full, see - https://hansard.parliament.uk/Commons/1985-11-28/debates/33219a2f-2503-4b83-a626-c29a414f8b14/Engagements

Labour MP George Foulkes speaks.

> *"Does the Prime Minister realise that our closest EEC partners and our friends in the Commonwealth supported a resolution at the United Nations calling for negotiations on the future of the Falklands? Does she accept that that was because Argentina made a major concession by dropping its insistence on discussions on sovereignty and instead substituted - "all aspects of the future of the Falklands"? ..."* [317]

Thatcher responds.

> "*Anyone who thinks that a motion that contains the phrase - "negotiations on all aspects of the future of the Falklands" does not include sovereignty must be absolutely bonkers."*

December 2nd, at the FCO, consideration is given to waning US support for the UK's attitude towards negotiations with Argentina.

> "*The first thing to be said from Washington is that the United States official policy on the Falklands problem has been consistent throughout. It is this. They have no view, one way or the other, on sovereignty. They do not consider self-determination an absolute: as Shultz pointed out to me three years ago, they fought a civil war about it. They regard the problem as mainly one for solution between Britain and Argentina. Meanwhile they consider themselves free to pursue what they regard as the United States and wider Western interest vis-à-vis Argentina, bearing in mind their obligations to us as their closest ally but not granting us a veto over their actions."* [318]

"The United States' main goal was ensuring that Argentina could continue to play an important role in achieving wider policy interests in South America. When Britain did not agree with this, the US government was willing to risk condemnation from its British counterparts given the relative value it placed on upholding the Alfonsín government. Upholding the wishes of 1800 islanders mattered little when compared with the wider interests of the western hemisphere." [319]

December 9th, in Buenos Aires, General Leopoldo Galtieri is cleared of all civil rights charges connected to Argentina's 'Dirty War'.

"The trial lasted from April to December 1985, hearing 833 witnesses from the most varied backgrounds over 78 days of testimony. Images of the trial (without sound) were broadcast on the television news each night.39 In order to guarantee transparency, it was conducted through public and oral audiences open to the public and the press. This was unprecedented in Argentine jurisprudence. A newspaper of the trial (El diario del juicio) was published on a daily basis, spreading information on the most important testimonies of the day. The trial took place in a general atmosphere of military pressure and rumours of a coup. Witnesses, judges and prosecutors in the trial were threatened. Thus, according to McSherry (1997: 176), 'in two months in 1985, there were 21 violent attacks and 1,500 bomb threats. Elementary schools, Radical Party offices, synagogues, popular cafés, and government officials' houses were targeted by anonymous persons on an almost daily basis. Telephone messages warned the public of impending attacks, sparking widespread fear and anxiety'. Military leaders disqualified the trial as being no more than a leftist manoeuvre. The Army Chief of Staff, General Héctor Ríos Ereñú, stated that only an amnesty law could make Argentina a great nation. Former President Frondizi, closely allied to the military, called the trial a 'political show'. During the trial, the defence

317 See April 14, 1984, above.
318 *Oliver Wright to Antony Avland December 2, 1985* in *FCO 7/6366 f43*
319 Bagnall 2021

of the junta leaders on various occasions referred to the witnesses as 'the detained', or 'the subversives'. ... Only five of the nine convicted generals were found guilty." [320]

Margaret Thatcher sends a Christmas Message to the Islanders.

> *"You in the Falkland Islands were born to freedom, born to democracy, and we must cherish and nurture it. We can never be complacent about it. At the heart of democracy is the right of every man and woman to have his or her say in how he or she is to be governed. That is what the British way of life is all about. You know that we are committed to protecting your right to determine your own future ..."*

1986 – January, Britain withdraws its cooperation from the UN's Special Decolonization Committee.[321]

"... by mid-1985, again frustrated at the Committee's work, the UK decided to cease cooperation (with effect from January 1986), while reserving the right to participate in the C24's debate on the Falklands. In a letter to the then C24 Chair, the UK Permanent Representative in New York explained the UK's decision on the grounds that the territories which remained in close association with the UK had chosen to do so, that this was unlikely to change in the near future, that the UK and its (then "Dependent") Territories, therefore considered the colonial era over, and hence the UN's interest in these territories affairs should cease." [322]

In **February**, in the Falkland Islands, Baroness Young visits to discuss, *inter alia*, the prospect of a licensed fishing regime. A public meeting is organised, leading to a petition highlighting the Islanders' concerns regarding the depletion of fish stocks around the archipelago.

> *"We,the undersigned residents of the Falkland Islands, wish our views to be known to the British Prime Minister and her Government regarding the fishing by numerous nations in our waters. We consider the present uncontrolled fishing a certain disaster to our wildlife and fish stocks. A multilateral fishing zone we believe is not the answer and would be of little advantage to our economic development due to the lengthy negotiations which will be necessary to bring this into being. We therefore urge the British Government to effect a unilateral fishing zone around our Islands without delay."* [323]

"An independent assessment in 1986 stated "Substantial revenue – perhaps as much as £7 million a year – was being lost by the Falkland Islands Government as a result of British indecision." [324]

February 17th, in the UK, a party of Argentine Congressmen arrive; invited by the South Atlantic Council (SAC).

"The (South Atlantic) Council had during the MP's visit to Buenos Aires issued an invitation to Congressional leaders to come on a return visit to London. Suddenly the atmosphere became much more positive and following hectic problems of communication through a postal strike and holidays in both countries the visit was arranged. The delegation was in London for the week of 17-21 February 1986, and consisted of two leaders from each of the main parties and each house of the legislature. They were – Senator Adolfo Gass (Radical Party), Chairman of the Senate Committee on Foreign Affairs and Vice-Chairman of the Senate

320 *Struggling with the past: the human rights movement and the politics of memory in post-dictatorship Argentina (1983-2006* S.P.C. Van Drunen 2010. See May, 1986 below.

321 Having previously withdrawn as members of the Committee in January, 1971.

322 *Memorandum by the Foreign and Commonwealth Office O.T.18 May 2011* para.5. *cf.* 1971, 1974 & 1999. See – https://publications.parliament.uk/pa/cm201012/cmselect/cmfaff/writev/overseas/ot18.htm

323 Quoted in *Falkland Focus* February 1986

324 Elgood 2025 citing Miller 1986 p.9

Committee on General Legislation; Senator Julio Amoedo (Peronist Party), Chairman of the Senate Committee on International Parliamentary Affairs and Vice-Chairman of the Senate Committee on Foreign Affairs; Deputy Federico Storani (Radical Party), Chairman of the Foreign Affairs Committee of the Chamber of Deputies, the lower house; and Deputy Julio Bordon (Peronist Party), of the Foreign Affairs Committee of the Chamber of Deputies. The high spot of the week was a discussion at the House of Commons under the auspices of the Inter-Parliamentary Union (British Section), where they made a favourable impression on leading Tory backbenchers. In addition they had separate meetings with MPs from the other main parties, including Kinnock, Healey, Steel, Beith and Owen, members of the Select Committees on Foreign Affairs and on Defence and party spokesmen on Latin America. During their stay they also met the members of the South Atlantic Council, the United Nations Association; university academics specialising in Latin America, church leaders and the Royal Institute of International Affairs." [325]

However, Argentina's Congressmen decline to meet with officials from the Foreign Office.

"The expressed wish of my hon. Friend the Parliamentary Under-Secretary to meet the Argentine parliamentarians who visited London was only the latest in a series of initiatives which we have taken since 1982. We were disappointed that they did not take up the offer, but we shall continue our efforts to promote better bilateral relations. ... My hon. Friend would have been prepared to listen to the Argentinians' position. He would also have made clear our wish to see more normal relations, towards which we have taken step after step, none of which has been met with a parallel response. ... There were no strings attached to the offer made by my hon. Friend to meet the Argentine parliamentarians." [326]

Before departing, the Argentine delegation hold a press conference.

> *"... Deputy Storani reportedly said:"We are prepared totally to respect an autonomous government for the Islanders' way of life, religion, education system and police and would respect their private property."*
>
> *However, on his return to Argentina he claimed to have been misinterpreted on the question of autonomy, stating:"Since our provinces are autonomous I stated that the inhabitants of the Falklands would gain autonomy."..."* [327]

In the Falkland Islands, a population census reveals that there are 1,916 people on the Islands, excluding military personnel, their families and others present in connection with the military garrison.

March 5th, in Britain's House of Commons, Foreign Secretary Sir Geoffrey Howe is asked to make a statement; "*We continue to stand by our commitments to the Falkland Islanders. At the same time, we are working for better relations between the United Kingdom and Argentina."* [328]

March 15th, the Falkland Islands Government imposes fees on the trans-shipping of fish within the 3 mile limit.

A survey of Islanders is carried out by Marplan – *"What kind of sovereignty do you want for the Falkland Islands?"* 94.5% of respondents choose *'British Sovereignty.'* Only 1.5% opt for *'Independence.'* [329]

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325 From the website of the South Atlantic Council (SAC) 2017

326 *Hansard Commons, March 5, 1986.* Foreign Secretary Geoffrey Howe. See - https://api.parliament.uk/historic-hansard/commons/1986/mar/05/falkland-islands

327 *Falkland Focus* February 1986

328 *Hansard, Commons, March 5, 1986 col.298-299 op cit.*

329 Announced by the Falkland Islands Association in London April 1, 1986. Apparently there were 3 votes for Argentine sovereignty. Integration with the UK, only received 11 votes (1.2%)

"If the 1,033 questionnaires sent out, 920 copies were received back, a response of 89 percent. ... The results of the survey were sent to the British Prime Minister of the time Margaret Thatcher who commented: "As you know, the Government has never been in any doubt over the wish of the overwhelming majority of the Falkland Islanders to remain under British sovereignty: That wish is a key factor in our policy". " [330]

"In 1986, an unofficial referendum saw 96% in favour of continued British sovereignty, with 88% participation of registered voters." [331]

May 16th, in Buenos Aires, General Leopoldo Galtieri, Admiral Jorge Anaya and General Basilio Lami Dozo are convicted by Argentina's Supreme Council of the Armed Forces of negligence under *Article 740* of the Code of Military Justice for their mismanagement of the 1982 Falklands invasion. [332]

"Former President Leopoldo F. Galtieri and two of his top military leaders have been sentenced to jail terms of up to 14 years for leading Argentina to defeat in the Falkland Islands War, ... The news agencies Noticias Argentinas and DYN said that Galtieri, who was both army commander and president at the time of the abortive invasion of the British-ruled Falklands in 1982, was sentenced to 12 years in jail. The former navy commander, Adm. Jorge I. Anaya, was sentenced to 14 years in jail, and the former air force chief, Lt. Gen. Basilio Lami Dozo, was sentenced to 8 years. The sentences are expected to be appealed to Argentina's civilian federal Court of Appeals. The charges against the former commanders were secret, but trial witnesses said they were accused of misconduct and mismanagement of operations." [333]

May 28th, in the South Atlantic, two Taiwanese flagged trawlers are machine-gunned by an Argentine Coast Guard vessel, *Prefecto Derbes*, some 24 nautical miles outside the Falklands exclusion zone. Minor damage is sustained by *Chi Fu No.6. Chian-der No. 3*, hit by explosive shells, catches fire and sinks; leaving one crewman dead and three injured. Argentina's ship refuses to allow another jigger to help and declines to answer calls from a Royal Navy helicopter which offers medical assistance. The Argentine vessel eventually picks up the survivors.

"... these were not spontaneous actions of over-enthusiastic naval commanders, but were muscle flexing actions, carefully engineered and controlled from Buenos Aires. They were meant to happen and with a purpose: to show that it is not Britannia who rules these particular waves but Argentina." [334]

May 29th, from Buenos Aires, Argentina's Foreign Ministry issues a statement claiming that the Taiwanese vessels were within *"Argentine waters"* and blaming; *"... the existence of the so-called protection zone that Great Britain has illegally established against Argentina."* The action is described by the British Government as, *"unjustifiable and excessive,"* and; *"... amounts to an attempt to pursue a sovereignty claim by force."*

June 23rd, in the Falkland Islands, an all party group of Members of Parliament arrive in Stanley.

In **July**, Argentina signs bilateral fishing agreements with the Soviet Union and Bulgaria, allowing fishing vessels to operate near the Falkland Islands.

"According to the Argentine Foreign Ministry, the United Kingdom was seeking to internationalize the Sea adjacent to Malvinas and, as a result, the dispute would be multilateralized, which would have meant a great problem for our country. It is in this context that in 1986 Alfonsin signed two fishing agreements with the Soviet Union and Bulgaria around the Malvinas waters (he had also tried with Poland, Japan, Spain and South Korea but failed to achieve the agreements sought due to London's pressure on these countries). The

330 *Penguin News* September 7, 2012.
331 *1982 Uncovered: The Falklands War Mapping Project* Timothy Clack and Tony Pollard 2022 p.2
332 See 1989.
333 *Los Angeles Times* May 16, 1986
334 *Editorial in The Falklands Newsletter* August 1986

fisheries agreement with the USSR and Bulgaria had authorized fishing quotas of 180,000 and 80,000 tonnes respectively." [335]

August 8th, in Buenos Aires, some ten years after its coming into force, Argentina finally ratifies the *International Covenant on Civil and Political Rights* (1966). [336]

> *"Article 1 –*
>
> *1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
>
> *2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*
>
> *3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter...."*

"Self-determination was thereby confirmed as a right of all peoples including those of non-self governing territories, and it became an obligation on states responsible for such territories to promote" the realization of the right of self-determination" for the peoples living in them. ... Thus Britain is obliged to promote external self-determination for the Falkland Islanders. To hand the islands to Argentina would be a breach of that obligation..." [337]

August 12th, in New York, the UN's Special Committee on Decolonization considers the Falklands non-self governing territory (NSGT), noting; *"... the administering Power concerned, did not participate; ..."*

Addressing the Committee, MLA Anthony Blake, representing the Islands people, says:

> *"Some members may well be asking themselves why the Falkland Islands Government still wishes to petition this Committee when our protecting power has decided not to take part in its work. We present our petition to pursue our right to self-determination and to make quite clear that we wish to retain our British sovereignty. We feel that the British Government has fulfilled all of its commitments to us under Chapter 11 of the United Nations Charter. ... We in the Falkland Islands attach importance to the Committee of 24 because it is the one UN Committee that deals with the welfare of non-self governing peoples, like the Falkland Islanders. That is why we have taken part in your discussions. ... in this Committee, of all Committees, it seems only right to concentrate on the people who actually live there, what they want, how they see the future. That being the case, we have been pretty disappointed to see that every year the Argentine delegation tries to turn the debate into a bilateral dispute between themselves and the United Kingdom ... But in many of the resolutions passed by this Committee, self-determination is always referred to as an "inalienable right." ... If UN Committees could decide who was and who was not entitled to self-determination it would no longer be a right. Merely a concession. ..."*

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335 Romero 2020

336 Signed by Argentina in 1968, the covenant had come into force in 1976. Ratified by the UK on May 20, 1976. Argentina was not a willing signatory, but in 1986 as a self-proclaimed democracy, it found itself with little choice. Although Argentina continues to deny it, by ratifying this covenant, Buenos Aires recognised that the people of the Falkland Islands had the right of self-determination. Hence all the effort to assert that the Islanders are not a people.

337 *Falklands Facts and Fallacies: The Falkland Islands in History and International Law* Graham Pascoe 2020 p.312

August 21st, Argentina complains to the UN that British aircraft are harassing their fishing vessels.

"... the Argentine Government vigorously rejects such acts, which prevent Argentine fishing vessels from engaging in legitimate and peaceful activities." [338]

September 22nd, the UK complains to the UN regarding Argentina's agreements with the Soviet Union and Bulgaria; *"... at a time when a technical study is under way by the Food and Agriculture Organisation of the United Nations that could pave the way for a multilateral agreement on long-term conservation measures."*

"What the United Kingdom really wanted was to sit at the same table with Argentina, both as coastal countries in the South Atlantic, and negotiate multilateral agreements with the countries who were fishing in the area (USSR, Japan, Spain, among others). Thus, under the guise of a laudable purpose such as to prevent the predation of fish resources, the United Kingdom hoped to gain recognition of its alleged rights over the sea. This was unacceptable for us, since we would have recognized an illegitimate occupier of Argentine island territory as a coastal state." [339]

September 26th, the USSR and Bulgaria are warned by the UK, that their fishing agreements with Argentina are contrary to international law.

October 4th, in the Falklands, following the discovery of the remains of an Argentine pilot, Lieut. Miguel Gimenez, in August, on a remote peak of the Blue Mountains, his father and sister attend his funeral. The 236th Argentine serviceman to be buried at the Military cemetery at Fish Creek with full honours. Given specific permission by the Falkland Islands Government, his family are the first Argentines to arrive in the Islands since 1982.[340]

October 5th, in Buenos Aires, a group of British MPs arrive for the 76th meeting of the Inter-Parliamentary Union. The group includes George Foulkes MP, representing the South Atlantic Council (SAC).

October 11th, the 76th Inter-Parliamentary Union conference in Buenos Aires, concludes.

"An amendment on the Falkland Islands under an umbrella resolution on decolonization was passed at the 76th Inter-Parliamentary Union meeting in Buenos Aires in early October. The text proposed by the Argentinians "strongly reaffirmed the rights of the Argentine Republic to obtain restitution" of the Falklands Islands/ South Georgia and the South Sandwich Islands. It also required Argentina and Britain to renew negotiations and "condemned and demanded the dismantlement of the United Kingdom's military bases" and the "cessation of all military activity in those territories."..." [341]

October 27th, in New York, the United Nations adoption of resolution *41/11* creates a South Atlantic Peace and Cooperation Zone in the South Atlantic. This aims to promote social and economic development, and reduce militarization. [342]

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338 *UN Document A/41/529*. Further letters of complaint were sent on October 1st, and November 24th.

339 Argentina's Foreign Minister Dante Caputo quoted in Romero 2020

340 28 year-old pilot of an FMA 1A-56 Pucara, ground attack aircraft. Shot down May 28, 1982, over Goose Green. Credited with Argentina's only air-to-air success when he shot down a Royal Marine Scout helicopter. See May 28, 1982

341 *Falkland Focus* October 1986. Britain's delegation consisted of - David Crouch, MP (Con, Chairman of the British Inter-Parliamentary Union); Michael McGuire MP, Lab; Geoffrey Rippon MP, Con; George Foulkes MP, Lab; Donald Anderson MP, Lab; Andrew Faulds MP, Lab; Michael Marshall MP, Con; Sir John Page MP, Con; and Lord Montgomery, Con.

342 See - https://research.un.org/en/docs/ga/quick/regular/41 Argentina regularly bases its protests to Britain on the provisions of this resolution; particularly when there is a round of weapons testing taking place in the Falkland Islands. See also 1967

"Conscious of the determination of the peoples of the States of the South Atlantic region to preserve their independence, sovereignty and territorial integrity and to develop their relations under conditions of peace and liberty, ...

3. Calls upon all States of all other regions, in particular the militarily significant States, scrupulously to respect the region of the South Atlantic as a zone of peace and co-operation, especially through the reduction and eventual elimination of their military presence there, the non-introduction of nuclear weapons or other weapons of mass destruction and the non-extension into the region of rivalries and conflicts that are foreign to it. ...

4. Calls upon all States of all the region and of all other regions to co-operate in the elimination of all sources of tension in the zone, to respect the national unity, sovereignty, political independence and territorial integrity of every State therein, to refrain from the threat or use of force, and to observe strictly the principle that the territory of a State shall not be the object of military occupation resulting from the use of force in violation of the Charter of the United Nations, as well as the principle that the acquisition of territories by force is inadmissible. ..."

October 29th, from Stanley, the Governor of the Falkland Islands issues Proclamation No.4 of 1986. [343]

"Whereas the Falkland Islands are entitled under international law to a fishery limit of 200 nautical miles from the baselines from which the breadth of territorial seas is measured subject to the boundary with a neighbouring state prescribed by the rules of international law concerning the delimitation of maritime jurisdiction,

And Whereas there is a need to conserve the living resources and to regulate on an interim basis, fishing in the seas around the Falkland Islands,

Now therefore I, Gordon Wesley Jewkes, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do hereby proclaim as follows:

1. There is established for the Falkland Islands an interim fishery conservation and management zone, hereinafter referred to as "the zone".

2. The zone has an inner boundary the outer limits of the territorial sea of the Falkland Islands and has its seaward boundary the line formed by the circumference of a circle which has a radius of 150 nautical miles and its centre at Latitude 51°40'S, Longitude 59°30'W, except that between those points on the circumference situated at 52°30'S, Longitude 63°19.25'W and 54°08.68'S, Longitude 60°00'W the seaward boundary shall be a rhumb line. ...

4. Her Majesty will exercise the same jurisdiction in respect of the conservation of living resources and the management of fisheries in the zone as she has in respect of those matters in the territorial waters of the Falkland Islands subject to such provisions as may hereafter be made by law ..."

"A 150-mile unilateral fishing zone around the Falkland Islands has been announced ... The conservation and management zone will be established on 1 February 1987 and will be policed by two fisheries protection vessels and a surveillance aircraft. The Falkland Islands Government will be supervising the zone and issuing licenses, the revenue from which is expected to more than cover the cost of the operation." [344]

343 *Declaration on the Conservation of Fish Stocks and on Maritime Jurisdiction around the Falkland Islands. cf.* 1987
344 *Falkland Focus* October 1986

"... London created a fund for the development of the archipelago and granted the islanders supervised administrative autonomy to negotiate fishing licenses with other countries and private shipowners. This decision ended up being decisive for the economic future of the islands, since fishing licenses became the main source of income for the islanders,.." [345]

"... the English decision was hailed by the Falklands since, as identified by (Carlos) Escudé, this agreement allowed the Islanders to be born economically (since politically they had done so in 1982) because those who wished to fish around the islands had to pay the licences whose proceeds would be handed over to the Falklands government and not transferred to the United Kingdom." [346]

Britain informs the UN of the Falkland Islands Interim Conservation and Management Zone (FICZ).

> *".. the British government hereby declares that:- The Falkland Islands are entitled under international law to fishery limits of a maximum of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. The maximum extent of these limits is also subject to the need for a boundary with Argentina in areas where arcs of 200 nautical miles from Argentina and the Falkland Islands overlap. In the absence of any agreement, the British Government hereby declares that:*
>
> > *"The boundary is that prescribed by the rules of international law concerning the delimitation of maritime jurisdiction....The continental shelf around the Falkland Islands extends to a distance of 200 nautical miles from the baselines from which the territorial sea of the Falkland Islands is measured or to such other limit as is prescribed by rules of international law, including those concerning the delimitation of maritime jurisdiction between neighbours"."*

"However, despite the affirmation of the right for a 200 mile fishery zone, the 1986 Proclamation, as an interim measure, only extended the fishery conservation and management zone to 150 miles from the centre of the circle, in places less than 100 miles from the islands themselves. This may perhaps be partly because the immediate predecessor of the fishery zone was a naval protection zone, aimed at excluding Argentine ships and aircraft from the Falklands region during and following the 1982 conflict. The slice out of the zone towards the south-west is presumably an acknowledgement of Argentine rights to an exclusive economic zone: the rhumb line defined in the Proclamation is very approximately equidistant between West Falkland and the south-eastern corner of Tierra del Fuego. Subsequent sections of the Proclamation reserved the right to extend the outer margin of the zone (section 3) and to manage and conserve the living resources of the zone in the same manner as in the territorial waters of the islands (section 4)." [347]

"The United Kingdom had resisted until October 1986 the pressure exerted by the Falkland Islands lobby to establish an exclusive zone, through a unilateral declaration. But the British government found in the Argentine action (with Bulgaria and the Soviet Union) the justification for the change of its policy since our country had refused to cooperate in a multilateral agreement, which was demonstrated by the fisheries treaty signed between Argentina and the two communist countries." [348]

In Britain's House of Lords, the reasoning behind the new legislation is explained.

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345 Herrero 2020
346 Romero 2020
347 *The Falkland Islands and their Adjacent Maritime Area* P. Armstrong & V. Forbes 1997
348 Romero 2020. The UK had also been under pressure from the EU. See above.

> *"The Government are determined that there should be adequate protection for the fishery. In view of the failure of Argentina to co-operate in a multilateral approach, we have therefore decided to establish unilaterally a conservation and management regime."* [349]

"The next task was to persuade the FCO to permit oil exploration, no easy matter." [350]

October 29th, in London, a brochure, *Holidays in the Falkland Islands*, is published.

October 30th, Argentina claims that the Falkland Islands Interim Conservation and Management Zone, is legally inadmissible.

> *"As the waters are disputed, it is both politically implausible and legally impossible that any permanent internationally recognised maritime boundary could be established without the agreement of the Argentine government. The British policy of seeking international agreement on a multilateral fisheries management regime, which was pursued from March 1985 to October 1986, was preferable at the time and ought not to have been abandoned in favour of unilateral action."* [351]

"The only casualty appears to be the hurt false pride of Argentina, whose refusal to cooperate and whose provocative bilateral treaties with the Soviet Union and Bulgaria were the straw that finally persuaded the British Government to act. Whatever Mr. George Foulkes and the South Atlantic Council, that bunch of academics and businessmen with Argentine interests, may think or want, we do not believe that either Soviet Russia or Argentina will cause any problems in the zone." [352]

"The Alfonsín government vigorously protested the British declaration and invited the Margaret Thatcher government to hold global negotiations in accordance with UNGA resolutions to deal with all pending issues between the parties, including that of sovereignty. Buenos Aires also proposed to exchange the formal declaration of cessation of hostilities for the elimination of the protection zone. However, London rejected the Argentine proposal as it did not agree to include the issue of sovereignty." [353]

October 31st, Argentina reaffirms its own sovereignty claim over the Falkland Islands, South Georgia and the South Sandwich Islands; their surrounding maritime waters, sea-bed and marine sub-soil.

November 2nd, in Buenos Aires, Argentina's Defence Minister tells reporters; *"It's our zone."*

"If the 1982 war made the Islanders achieve their emancipation from Argentina, with the 1985 Constitution they gained more autonomy from London, with fishing licenses they achieved their economic independence." [354]

November 3rd, in New York, at the UN, Argentina complains that the British Government's declaration is; *"... a violation of General Assembly recommendations ... the pretext of concern for marine resources conservation was a cover for its unilateral move to improve its position in the sovereignty controversy."*

November 13th, the UN Secretary-General, in compliance with the previous year's resolution, reports to the General Assembly on the situation appertaining to the Falkland Islands.

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349 *HL Deb 29 October 1986 vol.481 cc739-45*
350 Elgood 2025
351 Quoted in *Fishing in the South-West Atlantic* Dr. Peter Willetts (South Atlantic Council) March 1988. This, despite having called for just such a zone in August, 1985.
352 *The Falklands Newsletter* November 1986
353 Herrero 2020 citing Cisneros *et al* 2000
354 Romero 2020

> *"I regret having to report once again that it has not proved possible so far to find common ground to engage the two parties in the kind of talks envisaged in resolution 40/21. Recent events have made clear that time is not necessarily working in favour of overcoming the obstacles that stand in the way of a peaceful and lasting settlement to the problems pending between the two countries. As I have had occasion to state on frequent occasions, I remain convinced that through a process of frank and open dialogue, coupled with confidence-building measures, meaningful progress can be made towards solving all the differences that currently separate the two countries. I wish to reiterate my continued readiness to assist both parties towards that end."* [355]

"He stated that the positions of both Governments remained essentially unchanged and that, while the Government of Argentina had expressed its willingness to initiate immediate negotiations with the United Kingdom under the terms of resolution 40/21, the Government of the United Kingdom continued to resist negotiations on the issue of sovereignty." [356]

November 15th, in Washington DC, Margaret Thatcher speaks to reporters; *"I am not prepared to discuss the sovereignty of the Falklands at all. The view we have taken is that the sovereignty is British; that the people of the Falkland Islands, their wishes are paramount in this matter."*

November 16th, from Buenos Aires, Argentina sends Britain a diplomatic *Note* via the Brazilian Embassy expressing a willingness to negotiate on all matters including sovereignty; adding that a formal announcement to end hostilities would be dependent upon the UK lifting its *'military protection zone.'* [357]

November 19th, the UK rejects Argentina's offer.

November 21st, Britain explains to the United Nations; *"... the Interim Conservation and Management Zone, proclaimed by the Governor of the Falkland Islands on 29 October, did not extend beyond the protection zone it had set up as a defensive measure."*

November 24th, in New York, at the UN, Legislative Councillors Cheek and Clifton are invited to speak before the Fourth Committee as representatives of the Falklands' people. Petitioners, Mrs. Coutts de Maciello and Alexander Betts, speak on behalf of Argentina.

> *"There was a major distinction between the two sets of petitioners, in that Mr. Clifton and Mr. Cheek were representatives elected by the residents of the Islands and mandated to speak on their behalf, while Mrs. Coutts de Maciello and Mr. Betts were private citizens who could surely claim only to speak for themselves. It was for the members of the Committee to decide to whom they would give credence."*[358]

Mr. Mortimer speaks for the UK; *"He asked Mr. Betts whether, as a former Islander who had chosen freely to leave the Islands and become an Argentine citizen, he would deny to the Islanders, including his own relatives, the right to choose their own nationality, system of government and way of life."* [359] Betts responds that the right of the Islanders to decide their future; *"... had to be balanced against the geopolitical realities and other rights involved in the issue."*

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355 *UN Document A/41/824.* See - https://documents.un.org/doc/undoc/gen/n86/300/92/pdf/n8630092.pdf
356 *Repertory of Practice of United Nations Organs. Supplement No.7 ..., Volume 6*
357 Corbacho 2000
358 *UN Document A/C.4/41/SR.19*. Sadly, the original document in the archive is corrupted and incomplete. Suspicious?
359 *Ibid.*

Argentina's representative, Marcelo Depeche, tells the Fourth Committee: *"...the United Kingdom had recognized the existence of a dispute over sovereignty but had stated that it would only discuss secondary issues such as diplomatic and consular relations, transport, etc. His delegation found that attitude incomprehensible and wondered how a dispute recognized by the British Government was to be settled if that Government refused to discuss one of the major elements involved."* [360]

At the UN, on the same day, Britain's representative, Sir John Thomson, addresses the General Assembly during the debate on the – *Question of the Falkland Islands (Malvinas)*. [361]

> *"In 1982 Argentina invaded the Falkland Islands. on 17 November 1986, in a public declaratiom, the Argentine Government offered to end the state of hostilities. Why has Argentina been so unwilling in the past to declare hostilities definitively at an end, and why is its declaration now subject to so many conditions? ... in view of the rapidly increasing fishing effort - from 200 boats two years ago to over 600 boats today - and the concomitant threat to the marine stocks, my Government had no choice but to act on conservation grounds.*
>
> *In taking action to establish a conservation and management zone, we have scrupulously observed international law. We have also made it plain that our arrangements are interim and that our preference remains a multilateral solution. I stress that: our arrangements are interim and our preference remains a multilateral solution. But from statements made by Argentine Government's spokesmen since, it appears that Argentina now has no more interest in the multilateral approach than before. ...*
>
> *In these circumstances, since there is a dispute, it is hard to see why the United Kingdom can be making it worse by claiming 150 miles, for the time being, around the Falkland Islands. It seems to me that we are only following in the path already taken by Argentina. Indeed, we are forced to follow. If we had not made such a declaration, we might have found Argentina arguing that since its law said the 200-mile centred on the Falkland Islands was Argentine, and we had done nothing corresponding, that we were in effect admitting their sovereignty. ...*
>
> *Argentina, after the United Kingdom had proposed to it a multilateral regime for the South Atlantic, and after a long delay leading finally to an Argentine statement, that in principle they could consider a multilateral regime, after these two events, what did it do? It made bilateral fisheries agreements with Bulgaria and the USSR. I ask, in parenthesis here, who is it who is bringing the East-West struggle to the South Atlantic? These bilateral agreements are a challenge to the Falkland Islanders and to the United Kingdom Government. If they were made with the object of conservation of fisheries, then why not go, as we proposed, for a multilateral. agreement which would bring in all the fishing countries, not just two of them?"* [362]

"... the discussion revolved almost exclusively around the fishing zone. The British UN ambassador Sir John Thomson drew attention to the element of hypocrisy in Argentina's complaint against the zone, and also pointed out the possible legal consequences if Britain had not declared such a zone." [363]

360 *Ibid.*
361 *UN Document A/41/PV.82.* See - https://digitallibrary.un.org/record/124202?ln=ru&v=pdf
362 *UN Document A/41/PV.82-51*
363 Pascoe 2020 p.325

November 25th, the UN General Assembly debate continues. [364]

Sir John Thomson addresses the Assembly:

> *"The draft resolution before us is seductive in its simplicity and cosmetic appeal, but it cannot be divorced from the circumstances which gave rise to it. Some of the sponsors of the draft resolution have claimed that it is purely procedural and that it in no way prejudices the position of either the Argentine or the British Government. This is not so, sadly. The draft resolution does purport and does actually prejudice the position. As I pointed out yesterday, the draft resolution calls, in operative paragraph 1, for negotiations on all aspects on the future of the Falkland Islands. Unless I have misunderstood the Foreign Minister of Argentina, he insists that "all aspects" must include the question of sovereignty. … So the draft resolution supports the Argentine contention that sovereignty must be discussed. It opposes the United Kingdom contention that sovereignty should not be discussed. Therefore, the resolution is not neutral; it is pro-Argentine."* [365]

During the discussion, the representative for Cuba quotes from the 3rd Congress of the Cuban Communist Party.

> *"The episode of the Malvinas has confirmed that the imperialists are capable of trampling under foot the feelings of an entire continent, whenever it suits their interests."*

UN resolution *41/40* is adopted by the General Assembly. [366]

> *"…Aware of the interest of the international community in the peaceful ad definitive settlement by the Government of Argentina and the United Kingdom … of all their differences, in accordance with the Charter of the United Nations.*
>
> *Taking note of the interest repeatedly expressed by both parties in normalizing their relations.*
>
> *Convinced that such purpose would be facilitated by a global negotiation between both Governments that will allow them to rebuild mutual confidence …*
>
> *1. Reiterates its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to* ***resolve peacefully and definitively the problems pending*** *between both countries, including* ***all aspects on the future*** *of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations.*
>
> *2. Requests the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made … and to take the necessary measures to that end."* [367]

"In explanation of vote, Argentina said the text contained a procedural request to the two parties to negotiate on all aspects on the future of the islands; the international community had recognized the dispute as that of sovereignty. The United Kingdom said the text, despite its seductive simplicity and cosmetic appeal, was pro-Argentine in calling for negotiations on "all aspects" and thus supporting the Argentine contention that sovereignty must be discussed. … Oman expressed hope that a balanced text would be produced in the future

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364 *UN Document A/41/PV.84.* Available as an HTML document here - https://documents-dds-ny.un.org/doc/UNDOC/PRO/N86/645/56/pdf/N8664556.pdf?OpenElement

365 *Ibid*. The draft resolution was sponsored by Uruguay, Bolivia, Colombia, Guatemala, Panama and Peru. The representative of Argentina did not speak until after the vote.

366 116 votes for to 4 against with 34 abstentions. See - https://research.un.org/en/docs/ga/quick/regular/41

367 My emphasis. As with the previous year's resolution there is no reference to earlier UN resolutions. For the Secretary-General's report see November 10, 1987 below.

for approval by consensus. Sri Lanka said the draft should have stressed the right of the peoples to be consulted on their future constitutional status; merely urging the two parties to resolve the conflict was insufficient... Botswana called for negotiations on solving the dispute in all its aspects, while upholding the right of the inhabitants to self-determination." [368]

"The most important success achieved by the radical government at the UN General Assembly was the adoption in 1986 of resolution 41/40. While it is true that the content is similar to that of previous years the merit of this move was the quantitative backing in the vote. In fact, one hundred and sixteen countries voted in favour, thirty-four abstentions and only four against (United Kingdom, Sri Lanka, Oman and Belize)." [369]

The US government offers to act as a mediator in the dispute over the Falklands' fisheries. [370]

"Argentina, after yelling in frustration at her inability to do anything about the Falkland Islands 150 mile Fishing Zone, now seems to be moving discretely towards some sort of cooperation: perhaps towards even the idea of a jointly controlled and administered zone ..." [371]

"As a sign of commitment to the United States, Argentine reiterated that they were "willing to declare the formal ceasing of hostilities". At the same time, in exchange, they would request the United Kingdom... to lift the exclusion area forty-eight hours later." [372]

"The British (fisheries) declaration gave rise to the first serious post-war crisis between Argentina and the United Kingdom. The fisheries issue had increased tensions in the South Atlantic and the possibility of a new conflict between Buenos Aires and London worried the United States government so that it decided to intervene and facilitate the rapprochement between the parties. Since there were no official links between the two countries, the White House suggested the exchange of confidential non-papers, letterhead-free documents through which the parties could exchange information and proposals on fishing without formal commitment. ... To start the talks, Schultz proposed to Foreign Minister Caputo that the parties negotiate a multi-lateral fishing regime by common accord through the Antarctic Marine Living Resources Convention, where both Argentina and the United Kingdom had representation." [373]

December 2nd, at the UN, General Assembly resolution *41/41B* criticises the UK for its non-cooperation with the Spacial Committee on Decolonization.

> "*Expressing its regret at the decision of the Government of the United Kingdom of Great Britain and Northern Ireland not to take part in the related work of the Special Committee and noting with concern the negative impact which the non-participation of the United Kingdom has had on the work of the Special Committee, depriving it of an important source of information on the Territories under the administration of the United Kingdom."*

"The United Kingdom would continue to transmit information on the Territories to the Secretary-General, as required under Article 73 e of the Charter;..." [374]

December 4th,in London, in answer to a Parliamentary question, Tim Eggar, Under-Secretary at the Foreign Office, confirms the Government's committent to defending the Falkland Islanders' right to self-determination.

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368 *UN Yearbook 1986*
369 Romero 2020
370 See December 22, 1986, below.
371 *Falkland Islands Newsletter* February 1987
372 Corbacho 2000 p.14
373 Herrero 2020 citing Ruiz Cerutti 2001
374 *UN Year Book 1986*

December 17th, the Falkland Islands Government announces that the process of issuing licences for squid fishing for the period February to June 1987, is complete. 150 licences have been issued.

"A Government House spokesman said on Thursday that in deciding upon the allocation of licences, the Chief Executive, Attorney General and their advisors had to carefully balance favour between countries which had traditionally fished in the area and fellow members of the European Economic Community. Although it had not been easy to accommodate the demands of both groups, an attempt was at least made to arrive at a fair distribution of the vital documents. It seems likely that few, if any, licences have been granted to Eastern Block fleets. The Russians and Bulgarians did not apply, and little is known about the involvement of the Poles." [375]

December 22nd, in Washington DC, Argentina commences two days of fisheries talks with the US government.

"On December 22 and 23, 1986, Argentine and American representatives met in Washington. There, the Argentine delegation rejected the multilateral proposal and gave the Americans the first non-paper to be communicated to the British. The document prepared by the Argentines reiterated the formula of the exchange of cessation of hostilities for the lifting of the exclusion zone as a step to pacify the area and proposed the creation of a group of experts, under the auspices of the Secretary-General of the United Nations, to establish a common fisheries administration regime. (The) Americans warned (the) Argentines that the UN Convention on Antarctic Marine Living Resources was not equivalent. The Americans argued that from a political perspective, the UN was not neutral and therefore "the United Kingdom may have difficulty accepting it, it may seem partial to them". For the Americans, the Convention was a neutral and technical environment that would allow them to discuss the dispute without prejudice. Despite this suggestion, the United States promised to deliver the non-paper to the British." [376]

At the Hague, on the same day, the International Court of Justice gives its opinion in a frontier dispute between Burkina Faso and the Republic of Mali.

> *"In the preamble to their Special Agreement, the Parties stated that the settlement of the dispute should be "based in particular on respect for the principle of the intangibility of frontiers inherited from colonization",.... In these circumstances, the Chamber cannot disregard the principle of uti possidetis juris,... If the principle of uti possidetis has kept its place among the most important legal principles, this is by a* ***deliberate choice*** *on the part of African States."* [377]

"..., considerations of inter-temporal law and factual conditions – especially the extent to which the territorial sovereignty of Spain was actually manifested... cast serious doubts about the legal propriety or validity of the uti possidetis argument today." [378]

"It was applied in this case because the African states had previously reached agreement amongst themselves to apply uti possidetis juris when delimiting their borders." [379]

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375 *Penguin News* December 19, 1986

376 Herrero 2020 citing Moritan 2016 and Cisneros *et al* 2000

377 My emphasis. It is important to note that the parties to this dispute had agreed to the applicability of the principle prior to the commencement of the case, and that the ICJ recognised that consensus. There has been no instance of the ICJ taking *uti possidetis juris* into consideration where it had not previously been agreed to or recognised by the parties to a dispute. For comments on UPJ see 1816 and 1848.

378 *Antarctica and the Law of the Sea* Prof. Christopher C. Joyner 1992 p.59

379 *Falkland Islands – What the ICJ (International Courts of Justice) might say about Argentina's claims* Stephen Potts 2015 (unpublished thesis)

December 23rd, via the USA, Argentina proposes for the South Atlantic, the; *"... creation of a group of experts, under the auspices of the United Nations General Secretary, to establish a common regime of fishing and administration."* [380]

In her Christmas message to the Falklands, PM Margaret Thatcher reiterates her government's commitment to maintaining the democratic rights of the Falkland Islanders.

1987 – January 3rd, in Argentina, the Government issues a press release.

> *"Today, 3 January, on the day that marks the completion of 154 years of unlawful British occupation of the Malvinas Islands, the Argentine people and Government once again reaffirm Argentina's sovereign rights over the Malvinas Islands, South Georgia and the South Sandwich Islands, as well as their unswerving determination to recover the islands in question through peaceful negotiation."* [381]

At Port Stanley, a fisheries protection vessel, *Falklands Desire*, anchors in the harbour, followed by a *Dornier* reconnaissance aircraft.[382]

January 29th, near Port Stanley, the cruise ship *Rotterdam* moors up with 800 tourists on board.

"323 elderly American cruise passengers were stranded in Port Stanley for a night last week when sudden strong winds prevented them from being able to return to their ship, the Rotterdam." [383]

January 31st, the UK responds to the fisheries non-paper transmitted from Argentina via the US government.

"One day before the enforcement of the conservation area, the British transmitted through the American embassy in Buenos Aires their own first non-paper. The document declared that the Argentine document of December 23 had been well received. They shared the objectives of preventing incidents and conserving fisheries within the context of the international law. They also guaranteed that they were prepared, "without prejudice on the topic of sovereignty, to work to reach both objectives", that is, prevention of incidents and conservation of fisheries. The document stressed, first, that the conversations would be limited exclusively to agreements on procedures for conservation and administration of the fishing. They wanted assurance that the Argentina's agreements with the Soviet Union and Bulgaria were consistent with the terms of the British declaration of October 29. As for the eventual role of a third party, they rejected mediation from the UN General Secretary. The document also underscored that the role of the third party should not be that of mediator but rather as "communication channel". ..." [384]

February 1st, in the Falklands, the fisheries zone comes into effect with two protection vessels and an aircraft available to monitor shipping. After a review by the Foreign Office, 215 licences have been issued.[385] Fees vary between £26,000 and £86,000. Total licencing revenue amounts to £10 million which, after policing costs are withdrawn, leaves some £6 million for the Falkland Islands Government.

"Ever since then, the islands have had their own fishing industry – a third of the "calamares" (squid) eaten in Spain are actually from Falklands waters." [386]

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380 Corbacho 2000
381 *UN Document A/42/76*. Notified to the UN on January 6, 1987
382 At this time, another protection vessel, *Falkland Right*, was en-route.
383 *Penguin News* January 30, 1987
384 Corbacho 2000
385 There had been over 400 applications. See December, 1986 above. Licences issued were to ships from Chile (2), France (1), Greece (1), Italy (6), Japan (71), Poland (40), South Korea (25), Spain (36), Taiwan (30) & UK (3).
386 Pascoe 2020 p.324

February 5th, the BBC World Service announce that Argentina and the UK are holding talks regarding the Falklands fisheries, causing some consternation within the Islands. [387]

March 12th, in the Falklands, at Mount Pleasant airport, an American Boeing 747 lands with 160 replacement crewmen for an exploratory drilling ship operating in the Weddell Sea. [388]

March 18th, in London, Sir Geoffrey Howe addresses the House of Commons with regard to the Falklands' fisheries. Labour MP George Foulkes asks a question.

> *"... the Government have always said that the unilateral zone is a temporary measure, when does the right hon. and learned Gentleman expect the United States-inspired contacts between Britain and Argentina – I know that I must not call them talks – to result in a bilateral or, better, a multilateral agreement, which is the way in which any two civilised Western democratic countries ought to be concluding an agreement, instead of what is still a nerve-racking and tense arrangement that could flare up at any time?"*

Minister Howe answers.

> *"Of course it is right to say that we want a multilateral rather than a unilateral arrangement. It is precisely that that we are seeking. It is on that basis that ideas are being exchanged. There is no secret about that. We are now awaiting a response to the ideas that we have put forward."* [389]

In **April**, the Falklands Government announce that there have been arrests for fishery regulation violations.

"Director of Fisheries, Peter Derham, said he suspected that more vessels than the total (of) seven caught so far had evaded fee payments and he was looking at existing arrangements to see if further offences could be prevented." [390]

April 24th, a second non-paper from Argentina, transmitted via the US government, proposes the creation of a temporary fishing regime in the South Atlantic.

"... the Argentine negotiators proposed the creation of a temporary regime to coordinate the respective administration systems of the fishing zone, to establish enforcement procedures, and delimit the area of application of the regime. They also proposed "the elimination of the 150-mile area in its two aspects, conservation and protection." ..." [391]

May 6th, in the UK, newspapers report that the Foreign Office has received proposals from Buenos Aires with regard to a joint fishery policy for the waters around the Falklands. Foreign Office officials decline to confirm the reports.

May 13th, Britain's *Times* newspaper reports that MP George Foulkes has committed the Labour Party, once in power, to hold talks with Argentina to discuss the possibilities of UN trusteeship, a lease-back arrangement or condominium for the Falklands.

"... Labour's policy towards the Falkland Islands is clear and unambiguous. The United Kingdom cannot sustain indefinitely the undermining of our defence and foreign policies involved in the Conservatives 'Fortress Falklands' approach which has already cost £2.5 billion: the interests of the Islanders are not well served by

387 This would seem to have been a reference to the December, 1986, exchange of which the Islanders were unaware.
388 Argentine sensitivities were put out because the Americans had not used their facilities, while the Islanders were annoyed that they had not been informed.
389 *HC Deb 18 March 1987 vol.112 cc909-10*
390 *Penguin News* April 11, 1987
391 Herrero 2020

them being cut off from the possibility of using the nearest land mass for supplies and other economic needs: our trading and financial sectors will benefit from democratic stability in Argentina. Therefore we will seek to open discussions about the future of the Falkland Islands with a democratic government in Argentina without preconditions and without prejudicing the possible outcome." [392]

May 20th, in the Falklands, the new hospital is officially handed over to its joint operators - the Falkland Islands Government and the Ministry of Defence.

June 25th, in New York, Argentine officials meet representatives of the USA to pursue the fisheries discussion.

"In June 1987, Foreign Minister Caputo, Argentine Ambassadors Lucio García del Solar and Marcelo Delpech, and US Deputy Secretary for Latin American Affairs Robert Gelbard met at UN headquarters in New York to discuss the details of the text of the third non-paper. Among the proposals to be discussed was the inclusion, for the first time, of the reserve sovereignty formula, popularly called the "sovereignty umbrella". According to García del Solar, the sovereignty umbrella: "It is a legal formula that allows the parties that have a dispute to enter into agreements at a certain meeting, reserving their respective positions on sovereignty, which will not be affected by the decisions that are adopted. The figure of the umbrella covers and sets aside the dispute during the meeting, preventing discussions from arising that disturb the good progress of the agreements sought. It also covers, by extension, the actions that are executed as a consequence of the agreements". This legal mechanism was used in Article IV of the Antarctic Treaty,[393] *signed in 1959 and in force since 1961 and its inclusion allowed the twelve participating countries, including Argentina, to set aside all current and future claims of territorial jurisdiction on Antarctica to cooperate in other aspects, understanding that nothing that was done affected the integrity of those demands. ... In the third Argentine non paper of June 1987, the Argentine diplomats returned to the text of the "umbrella" implemented in the negotiations of the 1971 Agreements, with some differences. The text included in the document was as follows:*

> *"(1) Nothing in the development or content of this meeting can be interpreted as:*
>
> *A) A change in the position of the Argentine Republic regarding territorial and maritime sovereignty or jurisdiction over the Falkland Islands and the surrounding maritime spaces.*
>
> *B) A change in the United Kingdom's position regarding territorial and maritime sovereignty and jurisdiction over the Falkland Islands and the surrounding maritime spaces.*
>
> *C) A recognition or support of the position of the Argentine Republic or the United Kingdom regarding sovereignty or territorial and surrounding jurisdiction.*
>
> *(2) No act or activity that is carried out as a consequence and in execution of what is agreed in these meetings can constitute grounds to affirm, support or deny the position of the Argentine Republic or the United Kingdom regarding sovereignty or jurisdiction. and maritime territory over the Falklands [Falklands in English text] and the surrounding maritime spaces." ..."* [394]

July 10th, in the UK, an article in *The Times* newspaper notes that the costs of the Falklands garrison are to be absorbed into the overall defence budget after 1989-90. [395]

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392 Foulkes quoted in *Penguin News* June 12, 1987 citing *Co-Operative News* May 12, 1987
393 See - https://documents.ats.aq/keydocs/vol_1/vol1_2_AT_Antarctic_Treaty_e.pdf
394 Herrero 2020 citing Garcia del Solar 1997, Cisneros *et al* 2000 and Cardoso *et al* 2012.
395 *Penguin News* July 31, 1987

August 7th, the British Government acknowledges Argentina's "*interest*" in reaching a conservation agreement and improving relations, but confirms that it is neither willing to discuss sovereignty nor abandon the conservation zone.

"In August 87, the British response arrived. In this new non-paper, London celebrated the interest shown by the Argentine government in reaching an agreement on conservation, incident prevention and improving relations between the two countries. In addition, the British expressed in the document that their government was ready for dialogue on the proposed issues, but clarified that they were not "ready to discuss sovereignty." However, in the document the British included some small amendments to the text of the umbrella prepared by the Argentines. Furthermore, to avoid future misunderstandings, they presented some considerations that should govern any agreement on fisheries: -Consider the problems of the conservation area as a whole that would require coordinated actions by governments. -To clarify that the British Government's position is that a fishing agreement in the western South Atlantic was regulated by two regimes with separate jurisdictional rights that would require coordination. Furthermore, the declaration of October 29, 1986 must be absolutely contemplated. The London response was presented by the US undersecretary Gelbard to the Argentine delegation at a meeting held in New York. After viewing the non paper, Foreign Minister Caputo reported that the British document seemed good to him and that for the first time there was "a positive exchange."..." [396]

August 8th, in Washington DC, Argentina presents a fourth non-paper for transmission to the British.

"First, the Argentine negotiators required further clarification regarding the reference in the British proposal to "the needs of the region as a whole" since now the British were not talking about something multilateral but regional. In the second point, the Argentine delegates recalled that before the war, the Argentines had agreed to deal with practical issues and there had been no progress on the substance of the controversy. Third, a clarification was requested on the meaning of replacing the word "resignation", in the text of the "umbrella", by that of "change of position". Lastly, the Argentine representatives reiterated that "it would be useful to lift the zone" of fishing conservation established in the Declaration of October 29." [397]

August 14th, in New York, at the UN, the Special Committee on Decolonization when considering the Falklands; *"... regretted that implementation of the Assembly resolutions on the question had not started, (and) urged the parties to resume negotiations and reiterated its support for the renewed good offices of the Secretary-General to assist them."*

The Decolonization Committee is addressed by Falkland Islands' Councillor Blake.

> *"We present our petition to pursue the ratification of our right to self-determination. Mr Chairman, we have that right in practice through our Constitution and we believe we have that right under the Charter of the United Nations. We are and have been pursuing that right for some considerable time but major changes have occurred in the past few years that have increased the vigour of that pursuit.*
>
> *Our Government revenue has grown in the last 12 months by an amazing 300%, the main thrust of this growth has come from the introduction of the Falkland Islands Interim Conservation zone which is effectively and peacefully controlling what was the world's last major unregulated fishing stack. This area, under the management of the Falkland Islands Government, has become a small zone of international peace and commercial co-operation in what was previously an area of tension. "We do not wish to see this situation disturbed but would prefer to see it expanded by the countries in this area becoming united in arranging proper and peaceful arrangements for the environmental and*

396 Herrero 2020
397 *Ibid.*

commercial control of this valuable resource. … What, Mr Chairman, of our political development? It is clear that there is an awareness of our growing international individualism even though we retain our links with Britain. … It is becoming increasingly clear that any change that may occur, as the result of pressure from outside the Islands, will not be a change from our present sovereign status to that of sovereignty of some other country or state but is more likely to be a concerted drive for increased autonomy within the British sphere of influence.

Mr Chairman, May I say once again on behalf of all Falkland Islanders that we are happy with the economic, social and political progress that we are making. We are happy with the association that we have with Great Britain and we will be happy to inform this Committee if at any time the majority of Falkland Islanders wish otherwise." [398]

October 16th, in the UK, the *Observer* newspaper announces a change in the Islanders' attitude.

"Falklanders do a U-turn on talks with Argentina. Falkland islanders, reversing their previous intransigence towards Argentina, have proposed talks on common problems with the Government of President Alfonsin. Their new attitude, announced quietly at the United Nations last Friday, marks a radical shift by the Islanders who previously had been bitterly opposed to the idea. … Bolstered by unexpectedly high revenues from fishing licenses, the 1,800 islanders are now openly saying that they want increased independence from Britain, including the right to talk to their neighbours." [399]

"Amid all the furore the question being asked here was what exactly had Councillor Blake said in his speech? Looking at its content it is difficult to see where journalists picked up the particular reference to talks with Argentina… From other remarks reported to have been made by Councillor Blake it would seem that our Falklands representative may have done some talking on the issue away from the official committee forum. … When Penguin News asked the Governor, Mr Jewkes for his response… he would only say "Read what Councillor Blake said. Don't believe anything you read in the press."…" [400]

Publication of the Falkland Islands Census reveals the Islands' population as consisting of 1,916 people

The Falkland Islands Government agrees to purchase 1983's Port & Storage System (FIPASS) from the Ministry of Defence, for £2.6 million.

November 10th, in New York, complying with the duty imposed upon him by the previous year's resolution, the Secretary-General reports to the United Nations General Assembly on the situation in the South Atlantic.

"During the! course of the year, I have maintained close contact with the two Governments and have, on a number of occasions, discussed the question with their respective Foreign Ministers and Permanent Representatives to the United Nations. …

4. I have concluded from those exchanges that conditions have not sufficiently evolved to enable me to carry out the mandate with which I was entrusted by the General Assembly. The Government of the United Kingdom remains committed to the goal of achieving more normal relations with Argentina and considers that the only way forward is for both countries to concentrate on lasting solutions to problems of mutual concern, such as fisheries, while setting aside the sovereignty claim, on which it considers that views are diametrically opposed.

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398 Reproduced in *Penguin News* August 21, 1987

399 Quoted in *Penguin News* August 21, 1987. The *Observer* piece was quickly picked up by other newspapers in the UK. Councillor Blake's speech is above. There was no suggestion of talks regarding sovereignty.

400 *Penguin News* August 21, 1987

5. The Government of Argentina for its part has expressed continued readiness to comply with the terms of General Assembly resolution 41/40 and to that end to initiate negotiations to settle all issues. outstanding between the two countries, including all question. relating to the future of the Falkland Islands (Malvinaa).

6. While both parties have in the past year shown commendable restraint and a clear willingness to reduce areas of tension, I regret that it has not yet proved possible to engage both Governments in the kind of dialogue consistent with General Assembly resolution 41/40 that I have urged in the past. I wish to reiterate my continued willingness to assist both Governments towards that end." [401]

November 17th, at the UN, petitioners address the Fourth Committee.

"On 17 November 1987, Falkland Islands Councillors Terry Betts and John Cheek addressed the 4th Committee of the United Nations. In the opening address to the Committee, Councillor Betts highlighted the efforts to restore the Falkland Islands' infrastructure following the Argentine invasion in 1982 and the variety of development projects currently underway. ...

Councillor Cheek's address concentrated on the essential reason for the Councillors' appearance before the Committee - the Islanders' unchanging demand for the right to self-determination. "There can be no dispute that we have been in the Falklands for more than a century and a half," he said. "During the past years we have developed our own political awareness and have demanded and received from the British Government the right to increase participation in our own government. Currently the people of the Falklands do not wish to change their form of government, but, if at some time in the future they do, they know that the British people would put no obstacle in their way. "It is not the United Kingdom, our administering power, therefore, that would deny us the right to self-determination. Instead, it is our neighbour, Argentina, which denies us that right, which, in the United Nations is termed 'the inalienable right' of self-determination."

Mr Cheek went on to refute Argentina's claim to ownership of the Falklands and its continuing assertion that the Islands were being exploited both for their military and economic value by the UK Government." [402]

UN resolution *42/19* is adopted by the General Assembly.

*"1. Reiterates is request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the **problems pending** between both countries, including all aspects on the future of the Falkland Islands (Malvinas) in accordance with the Charter of the United Nations. ... 2. Requests the Secretary-General to continue his renewed mission of good offices ... 3. Requests the Secretary-General to submit ... a report on the progress made..."* [403]

"Sri Lanka believed that the wishes of the islanders should take precedence over other considerations and that they should express their views before any decisions were taken towards implementing the text. ... Iran was not oblivious to the principle of self-determination, but believed that it was not the only pertinent principle ..."[404]

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401 *UN Document A/42/732.* See - https://documents.un.org/doc/undoc/gen/n87/284/34/pdf/n8728434.pdf
402 Quoted in *Falkland Focus* November/December 1987
403 My emphasis. See - https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/512/51/IMG/NR051251.pdf?OpenElement For the Secretary-General's report, see November 14, 1988
404 *UN Yearbook 1987*

"In 1987, the Government of President Alfonsín redoubled its efforts to gain more support at the United Nations when the resolution on the Malvinas question was discussed. In an interview with Carlos Foradori, he says that his mission was "to travel to get the support of India, Nigeria and Zimbabwe to the UN General Assembly when dealing with the issue of the Malvinas Islands. In the case of Zimbabwe it was special in that its head of Government, Mugabe, was also the chairman of the Non-Aligned Movement. These trips were part of a larger strategy that involved various missions at the highest level in various parts of the world." To that end, the Malvinas question was again brought to the 42nd UN General Assembly on 17 November 1987. It adopted Resolution 42/19 in favour of Argentina ..." [405]

In explanation of its vote against the resolution, Britain's representative tells the Assembly that the wording prejudices the UK's position, and makes no mention of the rights of the Islanders.

> *"... the Falklands had been British for longer than Argentina had been Argentine, and that there had been no indigenous inhabitants..."* [406]

November 27th, Britain responds to Argentina's fourth non-paper, transmitted via the US government. [407]

"On November 27, the British embassy in Washington delivered the non paper with the clarifications requested by the Argentines: regarding the meaning of the "total of the region", the British government clarified that although they considered a multilateral settlement as the best solution, they were willing to achieve bilateral agreements that include both national fishing zones and adjacent waters but not those of third States. Regarding the scope and timeliness of the "practical issues", the British were convinced that progress on those issues would help restore normal relations. For the British government, the issue of the coordination of conservation policies in the South Atlantic fisheries, should "continue on the basis of its merits and not be conditioned to progress in other points of a practical nature." As to the umbrella formula, the British considered that the Argentine text was not comprehensive enough and that the change proposed by them ("change in position" by "resignation") was a more neutral formula. Finally, for the British it was a fact that there were two separate regulatory bodies with two bodies of rules for the conservation and administration of fisheries." [408]

In the Falkland islands, a political party – the 'Desire the Right Party' – is founded. The party's aims are; *"To keep the sovereignty of the Islands within the British sphere of influence. To seek an acceptable form of independence under the protection of the British flag. To ensure the security of the Falkland Islanders' birthright."* [409]

December 3rd, in New York, the British response of November 27th, is handed to the Argentines.

"The British non paper was released to Argentines during a meeting in New York on December 3. After analyzing the response, Foreign Minister Caputo pointed out to Gelbard that it was not an objective of the Argentines to re-establish or normalize relations, but rather: "... this would be the consequence of channelling global negotiations and that the parties had different approaches, while the British wanted to move forward focusing on more practical issues, Argentina was looking for a global negotiation, which included sovereignty."..." [410]

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405 Romero 2020
406 *UN Yearbook 1987*
407 Corbacho 2000
408 Herrero 2020
409 *DRP and the General Election* in *Falkland Islands Newsletter* June 1989 no.39. One of only two political parties ever founded in the Falklands, the party was unsuccessful at elections in 1989 and 1993. Ceased to operate in 1996. *cf.* 1964
410 Herrero 2020

December 4th, at Stanley, Under-Secretary of State Tim Eggar officially opens the King Edward Memorial Hospital.

December 22nd, from Buenos Aires, Argentina replies to the December 3rd non-paper, accepting; *"... the terms of the umbrella of sovereignty that protected the positions of both countries, ... They also were prepared, if the British accepted, for a meeting anywhere in Latin America."* [411]

1988 – January 3rd, Argentina writes to the United Nations Secretary-General.

> *"Today, 3 January, the one hundred and fifty-fifth anniversary of the unlawful British occupation of the Malvinas Islands, the Argentine people and Government once again reaffirm Argentina's sovereign rights over the Malvinas Islands, South Georgia and the South Sandwich Islands, as well as their firm determination to regain them through peaceful negotiations. This position of the Argentine Government and people is based not only on principles and norms laid down in international law but also on their belief that rational, just solutions exist and are possible, In this connection, Argentina reaffirms its continuing willingness to identify appropriate ways of guaranteeing and safeguarding the interests of the population of the Islands. Argentina's determination to negotiate is firmly supported by the substantial majority vote of the international community, which has repeatedly urged Argentina and the United Kingdom to achieve, through negotiation, a solution in respect of all matters relating to the future of the Malvinas Islands. The Argentine Government trusts that the British Government will adopt a constructive, realistic approach so that the negotiations in question may be resumed."* [412]

January 10th, in the Falklands, Lord Shackleton is awarded the Freedom of Stanley.

"The award was given in recognition of the many years of loyal service the Labour Peer has given the Falklands; not only through the famous economic reports of 1976 and 1982 which did much to guide the islands on to their present path of prosperity and new opportunities, but also ... for the solid support he has always shown the Falklands and the influence he has wielded on their behalf in the corridors of Whitehall and Westminster." [413]

February 8th, in Buenos Aires, Argentine officials meet with their US counterparts.

"The Americans stressed the convenience to Argentina of a unilateral declaration of ceasing of hostilities. The Argentines then asked if such an action would guarantee the renewal of their military procurement by the United States. The Argentines did not receive any definitive answer, but the Americans argued that this declaration would have two positive effects: first, on U.S. Congress that would decide on any military procurement to Argentina. Second, it would produce a very positive image of president's Alfonsín government. Finally, without predicting the British position, Argentine and Americans agreed that they would continue exploring the American proposition that would strengthen the Argentine-American cooperation." [414]

"At this meeting, the North American envoy pointed out the convenience for Argentina of a unilateral declaration of cessation of hostilities, arguing that said declaration would be positive because it would give a very favorable image of the government of President Alfonsín. Caputo clarified to the representative of the White House that President Alfonsín was willing to make very important gestures if, as a result, he returned to the situation prior to April 2, 1982." [415]

411 Corbacho 2000
412 *UN Document A/43/78*
413 *Penguin News* January 22, 1988. At this time, the only other recipient of this honour had been Margaret Thatcher. However, in 2022, the honour was extended to all those that had fought in the campaign of 1982.
414 Corbacho 2000
415 Herrero 2020 citing Cisneros *et al* 2000 and Moritan 2016

February 12th, UK announces that its forces are planning exercises in the Falklands – codenamed *'Fire Focus.'*

> *"The Argentine Government has taken note of the announcement made by the United Kingdom Government that British armed forces are preparing to undertake an exercise, between 7 and 31 March 1988, to test their ability to provide rapid reinforcement of the Malvinas Islands in an emergency. In this operation, Phantom aircraft will be deployed and a significant number of troops will be airlifted to the islands. This announcement is a very clear demonstration that the British Government, instead of choosing the path of peaceful solutions for the Malvinas question and relations with Argentina,..., is opting for a show of force. The arbitrary and unjustified attitude of the United Kingdom is particularly striking at a time when initiatives are being undertaken which, channelled through friendly countries, seek to achieve a relaxation of tension in the area. The Argentine Government, addressing the international community, denounces this decision by the British Government, which constitutes a particularly serious and highly alarming development, creating new and greater tension. The Argentine Government holds the British Government responsible for the consequences of this measure."* [416]

"The largest exercise to have been staged here. The cost is believed to be in the region of £3 million." [417]

"... a news story from London threatened to reverse the scant progress the parties had made through indirect talks. On February 12, the government of Margaret Thatcher announced that military exercises would take place in the Falkland Islands by mid-March. ... For the Argentine government, the British decision to carry out military exercises in the Malvinas had two consequences. The first was that it narrowed its internal political space to carry out bold initiatives such as the unilateral declaration of the cessation of hostilities. The second is that it could create a climate of political tension in the country and the destabilization of the government by sectors of nationalists." [418]

February 16th, Argentina protests to US mediators that the proposed British exercises have; *"... ruined the favorable climate created for taking the "audacious initiative" of an Argentine declaration of a cease of hostilities."*

February 25th, Britain informs the UN that its *Fire Focus* exercises are merely 'routine.' [419]

March 3rd, Argentina submits a complaint to the United Nations regarding the proposed British exercises.

> *"Such a step, in addition to violating the sovereign rights of the Argentine Republic over that island territory, run counter to the relevant resolutions of the United Nations, the Organization of American States and other declarations of the international community in which the two Governments were requested to engage in negotiations with a view to a peaceful and definitive solution of their ongoing dispute over those islands.*
>
> *The actions announced by the United Kingdom are also contrary to the United Nations resolutions which declare the South Atlantic to be a zone of peace and co-operation,..."* [420]

"If the British government wants to be taken seriously in Buenos Aires, it is vital that it should not be put off by the extraordinary effort Latin America is making to get [Fire-Focus] cancelled, postponed or scaled down." [421]

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416 *UN Document A/43/138*
417 *Penguin News* February 12, 1988
418 Herrero 2020
419 *UN Document A/43/169*
420 *UN Document A/43/203*. See - https://documents.un.org/doc/undoc/gen/n88/055/35/pdf/n8805535.pdf
421 *The Times* March 5, 1988

March 8th, in London, in Parliament, during Prime Ministers Questions, PM Thatcher speaks to the House.

> *"We have not merely every right to hold such an exercise in the Falklands Islands, but a duty to see that reinforcement proposals could in fact be carried out, otherwise we should have to keep more of our armed forces down there. It is no one else's business, …"* [422]

The British Government's aid package, introduced for the Falklands in 1983, is phased out.

March 9th, Britain responds to Argentina's non-paper of February 8th.

"… expressing its satisfaction at the interest of the Argentines in reaching an understanding for the conservation of the stocks of the fisheries and to avoid incidents in the South Atlantic. Likewise, the British reiterated putting aside the issue of sovereignty and continuing to search for practical steps to rebuild trust and restore relations. Regarding a meeting between the parties, they stated that the existence of bases to reach a successful agreement must first be assured. To facilitate progress, they proposed a direct exchange of technical information on fisheries. Finally, to avoid confusion, the document had attached the Spanish text of the "umbrella" formula:…" [423]

March 11th, Argentina writes to the UN Security Council requesting an emergency debate over *Fire Focus*.

"The news impacted Argentina, to such an extent that President Alfonsín immediately filed a complaint with the UN demanding a meeting of the Security Council, at the same time that he ordered an alert for the Armed Forces." [424]

March 16th, on the Falkland Islands, the announced military exercises take place as planned.

"We also intend to reduce the level of the garrison on the Islands. This was, of course, the object of Operation Fire-Focus in 1988, which was used to practise the rapid deployment of British troops to the South Atlantic. … Operation Fire-Focus showed no awareness of anyone's sensibilities and is a prime example of that pig-headed British refusal to imagine that anyone could conceivably doubt that our motives are exactly what we say they are – no more, no less. It is inevitable that troops will have exercises – the British army with its heavily paternalist traditions will go to any lengths to save the men from boredom and lassitude, which must be an ever-present threat in the Falklands now that there is not much bulldozing and building left to do – and it is no doubt necessary that the arrangements for a rapid reinforcement of the garrison should be tested. This could certainly have been done in a more suave fashion, however, …" [425]

March 17th, in New York, Argentina complains before the Security Council, that; *"… the United Kingdom, by its show of force in the area, … was posing a threat to international peace."*

Exercising a right of reply, the UK asserts that; *"… it was determined to prevent another catastrophe such as the 1982 invasion of the islands by over 10,000 Argentine troops. It chose to meet its obligation to safeguard the security of the people of the islands by maintaining the smallest possible garrison there while establishing the means to reinforce it rapidly. Since 1982 the United Kingdom had made clear that occasional reinforcement exercises would be necessary; the current one involved a small number of aircraft and fewer than 1,000 troops, which could hardly be considered a threat. …"*

422 *HC Deb 08 March 1988 vol.129 cc184-8*
423 Herrero 2020
424 *Ibid.*
425 Deas 1989

Having heard both parties, no conclusions are drawn by the Council. There is no vote and no statement. [426]

"Chancellor Caputo took the Malvinas issue to the Security Council for the first time since the 1982 war. Argentina denounced the military manoeuvrers and obtained the rejection (with various nuances) of the majority of the Council (except the United Kingdom, of course) to these armed exercises." [427]

March 31st, in London, Mr. Tim Eggar, Parliamentary Under-Secretary for Foreign and Commonwealth Affairs, speaks in the House of Commons.

> *"A great deal has been said in the press and in international fora about exercise Fire Focus. Sadly, much of the speculation about its purpose and scope has been inaccurate and exaggerated. Perhaps, as a result, some of the international reaction has been ill-judged and inappropriate. ... Let me begin by putting the exercise firmly in context. The Government are pledged to the defence of the Falkland Islands. Everybody recognises that. ... Fire Focus was conducted deliberately with the smallest number of troops and aircraft required to provide a realistic test of reinforcement capability. Fewer than 1,000 men and only a small number of aircraft were involved. ... the exercise was concluded today.*
>
> *The garrison has now returned to its former size. There has been no permanent increase in force levels. I am happy to say that Fire Focus has been a success and we have shown that we can and will honour our commitments to the Falkland islanders. ... since 1982, we have sought ways of restoring more normal relations with Argentina. We see no contradiction between improving our bilateral relations with Argentina and defending the rights of the Falkland islanders to decide their future. To the Argentines, negotiations on sovereignty mean simply the transfer of the islands to Argentina, irrespective of the wishes of the islanders.*
>
> *But the search for more normal relations with Argentina has always been our aim, and it will remain so. ... The Argentines have failed to respond to our frequent demonstrations of readiness to return Argentine military dead to Argentina. Nor have they taken up our offer to accept a bona fide visit to the islands by Argentine next-of-kin. Further, in 1985, we unilaterally lifted all trade restrictions on Argentina. Once again there has been no reply."* [428]

In **April**, the UN's Secretary-General, Pérez de Cuellar, is informed of the exchanges of non-papers between Argentina and the UK by the British Ambassador, Crispin Tickell.

April 26th, Argentina's government issues Executive decree *509/88* to regulate law *23109* of 1984 which had established benefits for veterans who had served in the South Atlantic. The new order removes the benefit from thousands of ex-servicemen. [429]

In the Falklands, vessels from the Republic of Korea – detained for illegal fishing within the *Interim Conservation and Management Zone* – are fined a total of £260,000 by magistrates in Port Stanley. A Polish vessel receives an administrative penalty of £1,000 for the unlicensed trans-shipment of fish within the three-mile limit.

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426 UN Documents SC2800 & SC 2801. See - https://falklandstimeline.files.wordpress.com/2019/05/security-council-consideration-of-military-exercises-march-1988.pdf

427 Romero 2020.

428 *HC Deb 31 March 1988 vol.130 cc1331-7*

429 *Malvinas: la visita de Edward Denmark, entre la admiración y la vergüenza* in *Tribuna* January 25, 2020.

May 10th, Argentina responds to Britain's non-paper of March 9th.

> *"The British "non-paper" of March 9, 1988, contains new elements that distance us from the objective [to start a dialogue in search of understanding]."* [430]

July 12th, in a further non-paper, Argentina proposes that Argentine-British talks could proceed under a *"sovereignty umbrella*" but with an otherwise open agenda. US diplomats consider this a setback. [431]

In London, it is announced that William Hugh Fullerton is to be the next Governor of the Falkland Islands.

July 25th, Britain responds to the July Argentine non-paper, accepting that talks may take place on issues other than sovereignty, but reiterating its own position that; *"... negotiations would start on the basis of the Declaration of October 29 1986. That is to say, on the Area of Conservation and Administration."* [432]

"The problem was that the Thatcher government wanted to negotiate on the basis of its Declaration of October 29, 1986, where, .., London had established a fisheries preservation zone, an aspect that was rejected by Argentina. At this point, the Americans no longer limited themselves to facilitating the conversations but rather reoriented their actions, trying directly to convince the Argentines about the benefits of the British proposal and to accept it. For Gelbard, the proposal was "more positive than the previous ones". For the White House representative, the important thing was to rebuild the dialogue and start with the "confidence-building measures". Likewise, in a document where comments were made on the British document of July 25, the Americans maintained that: "In its latest non-paper ... the UK has produced what we consider to be a highly positive response to Argentina's most serious preventions ... This response is a very strong positive gesture and should be enough to kick-start the talks ... Therefore, the United States emphatically urges Argentina to accept the United Kingdom's response, so that the talks progress."..." [433]

July 28th, in London, Lord Trefgarne answers questions in the House of Lords.

> *"My Lords, the revenue to the Falkland Islands Government for 1987–88 is estimated at £1865 million. ... Against that must be set the estimated enforcement and scientific costs, which are of the region of £6 million for 1988–89. There is clearly a substantial new revenue for the Falkland Islands Government which they did not have before. Our aid as such to the Falkland Islands is now at a comparatively low level.* ***Indeed, I think it is zero for this year.*** *"* [434]

In **August**, Argentina's Alfonsin Government introduces price controls and freezes State workers pay. [435]

August 11th, in New York, during deliberations at the UN, the Special Committee for Decolonization hears from Falklands Councillor Tim Blake.

> *"I have read the text of the resolution before the Committee and I am mystified by some of the sections. I had the impression, perhaps mistakenly, that the Committee's aim is to safeguard the rights of people to self-determination … Yet the whole theme of the resolution is the solving of the territorial dispute..."* [436]

Councillor Robin Lee echoes the demand that the Islanders right of self-determination be respected.

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430 Quoted in Herrero 2020
431 Corbacho 2000
432 *Ibid*
433 Herrero 2020 citing Cisneros *et al* 2000. Robert Gelbard was US Deputy Assistant Secretary of State for South America.
434 *HL Deb 28 July 1988 vol.500 cc380-3.* My emphasis.
435 Argentina was suffering one of its regular economic crises. See May, 1989 below.
436 *Falkland Islands Newsletter* December 1988 no.37

At the conclusion of the session, the Special Committee states its belief that; *"... the way to end the **special and particular** colonial situation was through a negotiated settlement."* [437]

In **September**, Argentina forwards a seventh non-paper to Britain via the US State Department.

"The internal wear and tear on the Alfonsín government and the pressure exerted by the United States, led Buenos Aires to accept the terms proposed by London. In September 1988, Foreign Minister Caputo delivered the seventh non-paper in which he communicated that the Argentine government was willing to start a direct dialogue between the two parties and where he highlighted the existence of overlapping jurisdictions, but no mention was made of the elimination of the preservation zone." [438]

September 20th, in New York, Argentine Foreign Minister Dante Caputo is elected to be President of the 43rd session of the United Nations General Assembly. Britain's Foreign Secretary, under pressure from the US Department of State, indicates that he may make a courtesy call on the new Assembly President.

> *"I utterly recoil from this, and so I think would the relatives of all those who lost their lives in the Falklands. Argentina has not announced a cessation of hostilities."* [439]

September 22nd, in Buenos Aires, Argentine law *23,610* designates Port Louis in the Falkland Islands, a site of historic interest. [440]

October 15th, Dante Caputo tells the USA that he is; *"... prepared to begin any contact with the British, with or without witness, with the level and reserve that they wanted"* [441]

"The objectives that the Caputo administration identified around 1988 were 1) to unblock the situation before the situation was consolidated; 2) achieve rapprochement with the United Kingdom, 3) reactivate relations with the European Economic Community and 4) de-escalate security measures in the South Atlantic." [442]

"... British diplomacy never responded ... The extreme internal weakness of the radical government and the proximity of the presidential elections, where the justicialista Carlos Menem had the best chance of taking the Argentine presidency, were some of the reasons why the British decided to suspend communications and wait until the arrival of a new government in Argentina." [443]

November 8th, at Stanley, William Hugh Fullerton, arrives and is sworn in a Governor. [444]

November 11th, at the UN, the Fourth Committee hears from Falklands Councillors John Cheek and Charles Keenleyside; also Barbara Minto de Pennissi and Mrs. Coutts de Maciello. John Cheek tells the committee that the majority of the land belongs to the Islanders, and that the drain of profits to absentee landowners, some of them in Argentina, had been virtually stopped.

The Councillors answer questions put to them by the representatives of the UK, Argentina and Papua New Guinea.

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437 *UN Yearbook 1988 p.739*. My emphasis. There is nothing 'special or particular' about the Falklands' situation, other than Argentina's spurious claims. See December, 1976.

438 Herrero 2020

439 Margaret Thatcher quoted in *Bid to block talks with Argentinians 6 years after war* in *The Times*, December 30, 2016

440 The names used in the *Boletin Nacional* (National Bulletin) of Nov 2, 1988 were Puerto Luis/Puerto Soledad/Puerto Nuestra Sra. de la Soledad. See Vols. 1 & 2

441 Corbacho 2000.

442 *Análisis de la toma de decisiones y del proceso de negociación en la cuestión malvinas desde 1983 hasta la actualidad. avances del proyecto* Susana Pereyra & Leandro Nicolás Argento 2016

443 Herrero 2020

444 Also sworn in as Commissioner for the SG/SSI territory and High Commissioner for the British Antarctic Territory.

"In their addresses to the General Assembly, Legislative Councillors Charles Keenleyside and John Cheek reinforced the unanimous demand from Islanders for the right to self-determination. Mr Keenleyside outlined the extensive benefits to the economy produced by fishing licence revenues. John Cheek focused on the increased political maturity of Falkland Islanders and refuted Argentine claims that Britain was exploiting the Islands as a military base." [445]

November 14th, complying with the duty placed upon him by the previous year's resolution, the UN's Secretary-General reports to the General Assembly on the situation regarding the Falkland Islands.[446]

"He stated that, in the course of the year, he had kept close contact with the Governments concerned, meeting in London with the Prime Minister of the United Kingdom in May, in New York with the President of Argentina in June, and also meeting with their respective Foreign Ministers and Permanent Representatives to the United Nations... the positions of the two governments remained substantially unchanged and once again he had been unable to carry out the mandate with which he had been entrusted..." [447]

November 17th, Resolution *43/25* is adopted by the General Assembly.

> *"Taking note of the interest repeatedly expressed by both parties in normalizing their relations,...*
>
> *1. Reiterates its request to the Government of Argentina and the United Kingdom of Great Britain and Northern Ireland to* ***initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending*** *between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations;...*
>
> *2. Requests the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;*
>
> *3. Also requests the Secretary-General to submit to the General Assembly at its forty-fourth session a report on the progress made..."* [448]

"The last resolution adopted during the radical period in the General Assembly was 43/25 of 17 November 1988 and shows a further success in this international body as it was sanctioned by one hundred nine votes in favour, thirty-seven abstentions and, only, five votes against." [449]

November 22nd, at the UN, recalling that 1990 will mark the 30th anniversary of the *Declaration on the Granting of Independence to Colonial Countries and Peoples*, the UN General Assembly adopts *Resolution 43/47*. [450]

> *"Bearing in mind also the important contribution of the United Nations in the field of decolonization, in particular through the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 1. Declares the period 1990-2000 as the International Decade for the Eradication of Colonialism."* [451]

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445 *Falkland Focus* December 1988
446 *UN Document A/43/799.* See - https://documents.un.org/doc/undoc/gen/n88/292/63/pdf/n8829263.pdf
447 *Repertory of Practice of United Nations Organs. Supplement No. 7 ...,* Vol. 6
448 My emphasis. See - https://research.un.org/en/docs/ga/quick/regular/43
449 Romero 2020
450 See - https://research.un.org/en/docs/ga/quick/regular/43
451 Although not stated, this was the **First** International Decade for the Eradication of Colonialism. Reviewing this work in 2025, we are now in the **Fourth** International Decade for the Eradication of Colonialism. The last renewal being in 2020 (UN GA Res. 75/123). Between the first and the fourth, almost nothing changed.

The Secretary-General is required to prepare an action-plan for presentation to the General Assembly.

December 14th, from London, PM Margaret Thatcher sends a message to the Falkland Islanders.

> "*It is a great pleasure once again to be speaking to you at Christmas and to send you all best wishes for a Happy Christmas and a peaceful and good New Year. Our thoughts are with you and we share with you the joys of the year that has passed and we look forward to the new one to come. 1988 has, I think, been a good year for the people of the Falklands. Your own fishery zone, introduced last year, has continued to bring you increasing prosperity and the way you have managed it will certainly have enhanced your standing internationally. Above all, it offers you a settled and prosperous future—and that matters so much. … This year's debate at the United Nations saw a further reduction in support for Argentina—a clear sign that the international community is losing interest in this pointless vote. Those councillors who represented you in New York made some very telling points when they spoke in favour of democracy and justice. We shall never accept the arguments of those who refuse to recognise your right to decide your own future—a right which Britain is determined to uphold and, of course, sovereignty is not for negotiation."*

In Geneva, Switzerland, Foreign Minister (and current chair of the UN General Assembly) Dante Caputo meets with Britain's Permanent Representative to the UN, Crispin Tickell, for an informal conversation. [452]

"Caputo, after clarifying that the meeting was not a negotiation, urged Tickell to begin conversations under the umbrella and an open agenda. Tickell insisted on limiting the talks to the prevention of incidents and fisheries conservation." [453]

1989 – January 1st, from the Falklands, the roll-on, roll-off ferry *Indiana 1* starts operating an unscheduled service between Stanley and South American ports.

> *"Calling first at Montevideo, Uruguay … they were greeted by a group of Argentine demonstrators who were prevented from boarding the ship. However greater problems are anticipated from Uruguayan dockers whose union has been persuaded by Argentina to 'black' the ship. From Montevideo she sailed to Punta Arenas, Chile … Similar pressure has been put on the dockers at Punta Arenas, but the shipping agents there use non-union labour and there seems to be no problem."*[454]

January 3rd, there is no communication from Buenos Aires regarding the events of 1833.

January 31st, the Secretary-General circulates the text of UN resolution 43/47 and requests the suggestions of member States for the action plan he has been instructed to prepare for the General Assembly. [455]

February 13th, at Stanley, a Museum is opened. The post of 'archivist' is created with responsibility for the Islands' records. The first official archivist is Jane Cameron. [456]

February 14th, in Argentina, during his Presidential campaign, Carlos Menem addresses an Ushuaia audience.

> *"Know the Pirates of the world that despite everything the Malvinas are still Argentines. I don't know how long it will be or how much blood we'll have to shed to get the Malvinas back to Argentine*

452 Only described as "mid-December", I cannot find an exact date. Tickell later remarked that Caputo seemed only interested in pinning down a date for a "*hand-over*" of the Falklands to Argentina.
453 Corbacho 2000
454 *Falkland Islands Newsletter* March, 1989
455 *UN Document A/44/800.* See - https://documents.un.org/doc/undoc/gen/n89/305/03/pdf/n8930503.pdf
456 See 2010

territory. Peronism will continue to demand from international bodies to regain sovereignty over the southern archipelagos. We will not bow to international pressure, there will be no contradictions in Peronism when it comes to defending sovereignty. Don't tell me chancellor Dante Caputo that the English will be angry if we include the Malvinas in the new province of Tierra del Fuego, that the English get angry, I don't care." [457]

February 27th, in New York, at a United Nations Educational, Scientific and Cultural Organization (UNESCO) conference, an *International Meeting of Experts for the Elucidation of the Concepts of Rights of Peoples*, consider the question of what constitutes a 'people'. They endorse a description, recognising as a 'people'; *"... a group of individual human beings who enjoy some or all of the following common features: (a) a common historical tradition; (b) racial or ethnic identity; (c) cultural homogeneity (d) linguistic unity; (e) religious or ideological affinity; (f) territorial connection; (g) common economic life."*

The experts then add a subjective element that; *" the group as a whole must have the will to be identified as a people or the consciousness of being a people."* and must be numerically greater than just a *"mere association of individuals within a State."* [458]

"*UNESCO has made a continuing and notable contribution to the attempt to give greater clarity and specificity to the concept of the peoples right to self-determination. ... experts endeavoured to provide a description (not a definition) of who are a 'people' for the purpose of enjoying the peoples' right to self-determination accorded by international law. As explained by the experts, the definition of a 'people' and the clarification of the right of self-determination are inescapably controversial and sensitive topics."* [459]

May 2nd, in New York, Argentina is the first country to respond to the Secretary-General's January 31st request for suggestions.

"Since 1946, the Malvinas has been on the list of Non-Self-Governing Territories which are to be decolonized. In 1965, the General Assembly of the United Nations adopted its first decision on this Territory (resolution 2065 (XX)). ... In keeping with this fundamental principle, in this and other declarations, the Assembly has repeatedly requested Argentina and the United Kingdom to put an end to the colonial situation in the Malvinas Islands through bilateral negotiations... Full respect for and compliance with the General Assembly resolutions on the question of the Malvinas are the pathway to a just and lasting solution to the conflict of sovereignty over this colonial Territory, and will contribute effectively and concretely to the attainment of the universal objective, stated in resolution 43/47, of ushering in the twenty-first century in a world free from colonialism." [460]

May 14th, in Argentina, the Frente Justicialista de Unidad Popular (FREJUPO), led by the Justicialist Party, whose presidential ticket is headed by Carlos Menem, wins a democratic election.

May 20th, in the Falklands, in Berkeley Sound, two volunteer fire fighters, part of Stanley Fire Brigade, are killed whilst attempting to put out a fire on a Spanish vessel, *Frio Pesca Uno*.

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457 *Ambito Financerio* February 15, 1989. Menem would later claim to have been speaking 'metaphorically'.

458 *UNESCO Document SHS-89/CONF.602/7*. Often referred to as the Kirby definition, the Conference studiously avoided the word 'definition' as such would imply a binding standard that could be codified into international law and was likely to attract a backlash from UN members.

459 *Peoples Rights & Self-Determination* UNESCO International Meeting of Experts, Budapest, Hungary 25-29 September, 1991 The Hon. Justice Michael Kirby (Australia)

460 *UN Document A/44/800.* Link above.

May 29th, in Buenos Aires, in the midst of an economic crisis, President Raul Alfonsin declares a 'State of Emergency'. Schools are shut, public transport suspended and banks close. Riots are suppressed.

June 12th, Argentine President Raul Alfonsin resigns unexpectedly, effective from June 30.

In London, Britain's Prime Minister, Margaret Thatcher, and the United Nations' Secretary-General, Javier Perez de Cuellar, meet to discuss, *inter alia*, the question of the Falkland Islands. [461]

July 8th, in Buenos Aires, Argentina's new President, Carlos Menem, is sworn in. [462]

Menem addresses Congress

> *"In my capacity as President, I come to make an irrevocable commitment. I am going to dedicate the greatest and most important of my efforts to a cause that I will fight with the law and right in hand. It will be the great Argentine cause: the recovery of our Malvinas, South Georgia and South Sandwich Islands."* [463]

"... improvement in Anglo-Argentine relations was precipitated by the election of Mr Carlos Menem to the Presidency ... The impetus came from the deteriorating Argentine economic position, Argentina's need to normalise relations with the European Economic Community and the British desire to normalise relations and reduce its military presence without prejudicing its commitment to the future and security of the Islands." [464]

"In 1989, when this administration took office, the aftermath of the 1982 war was still evident, a war in which we were defeated. Notwithstanding the efforts made by the previous government, diplomatic relations with Great Britain had still not been re-established and levels of trade had dropped dramatically. Britain maintained a very restrictive maritime exclusion zone around the islands and was exploiting fishery resources ***without consulting or compensating Argentina*** *in any way, and was preparing to do the same with gas and oil. Bad relations with Great Britain were also damaging our approach to the then European Community, a market in which Argentina was obviously interested in her own right."* [465]

Domingo Felipe Cavallo is appointed Foreign Minister.

"President Menem, who in his electoral campaign had said "it doesn't matter how much blood we spill, we are going to recover the Falklands", appointed Domingo Cavallo as his Foreign Minister. Cavallo introduced an 180° turn in Argentine Foreign Policy. It was decided to "de-Falklandize Argentine Foreign Policy", abandon the Non-Aligned Movement and rebuild the relationships with the United States and the European Community. For this it was essential to rebuild relations with the United Kingdom." [466]

"The Cavallo administration leading the Ministry of Foreign Relations, was characterized by a high degree of awareness of the political leaders about the problems of implementation of the adopted policy. This was based on the following objectives: 1) to resume the dialogue with the United Kingdom, 2) to unblock the conflict, bogged down since the war of 1982, resuming the strategy of diplomatic resolution for the sovereignty issue; 3) eliminate security risks in the South Atlantic with strong and sustained confidence-building measures; 4) improve relations with the European Economic Community and the United States, affected by the lack of

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461 Mentioned in *UN Document A/44/692*

462 After wining the presidential election in May, 1989, Carlos Menem was not due to be inaugurated until December 10, 1989. In the chaos following Alfonsin's suddenly resignation, Menem agreed to an early transfer of power.

463 Romero 2020

464 *The Restoration of Diplomatic Relations between Argentina and the United Kingdom* M. Evans 1991

465 *Foreign Policy and Argentina's National Interest* Andres Cisneros 1996 in C. M. Lewis & C. Szusterman (eds) 1996. My emphasis. A good example of Argentine thinking.

466 Bullrich 2000 p.212

progress in solving the problems with the United Kingdom; 5) eliminate the erosion of the relationship with Chile, Uruguay and Brazil, whose collaboration in isolating the islands from the mainland was permanently required; and 6) Finding mechanisms for the preservation of the fisheries wealth of the South Atlantic, affected by fishing interests that took advantage of the stagnation of the conflict." [467]

"From the first day of his administration, Menem expressed his willingness to put in a parenthesis the question of the sovereignty of the Falkland Islands, if that ensured negotiations with the government of Margaret Thatcher. Aware of the knowledge that the parties had acquired during the last years of indirect talks, the new president-elect and his chancellor, Domingo Cavallo, decided to continue with the methodology implemented by radical diplomacy. In this way, Menem and Cavallo maintained the direct dialogue channel through Brazil, the exchange of non-papers through the United States Department of State and the continuity of the "umbrella of sovereignty" formula." [468]

July 9th, in Olivos, President Menem makes another speech; *"We want to begin a discussion, a dialogue that leads to the restoration of diplomatic relations with Great Britain."*

"President Menem offered, ..., the declaration of the cessation of hostilities to Great Britain: "My government would be ready to declare the formal cessation of hostilities, if Great Britain agrees to open the exclusion zone". This meant that the unlocking of bilateral relations would be effectively at the cost of a postponement of the sovereignty issue, which would be referred to the United Nations, whose Decolonization Committee would meet in August of that same year." [469]

July 13th, in the US, *The Chicago Tribune* reports.

> *"The state news agency Telam said Menem, asked whether his government would be willing to declare an end to hostilities, said: "Yes, to be able to start talks. But some basic gestures would be necessary on Britain's part, namely allowing Argentina into the (fishing) exclusion zone..."*

July 19th, in Britain's House of Lords, Lord Trefgarne, speaking for the Government, observes; *"If his (Menem's) approach is intended to restore more normal relations between us, while putting sovereignty to one side, then we welcome it and we shall respond appropriately."*

"... the British government announced the possibility of normalizing relations with our country after the Argentine president stated that he was willing to recompose ties with London, without including the issue of the sovereignty of the Falkland Islands, but leaving "the issue of sovereignty, not on the side but under an umbrella, a glass bell. As long as Mrs. Thatcher or England does not touch the sovereignty issue, we are going to protect that issue, also not touching it"..." [470]

August 1st, Argentina announces the cancellation of restrictions on goods imported from Britain. [471]

August 7th, in New York, at the UN, the Special Committee on Decolonization opens its session on the Falkland Islands. It hears representations from Falklands' representatives Blake and Lee; Argentine petitioners Alexandro Betts and James Lewis, together with Argentina's representative. [472]

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467 Pereyra & Argento 2016
468 Herrero 2020
469 *La política exterior de Carlos Menem hacia las islas Malvinas* Oscar Mastropierro 2020 in *Dossier de investigación N°2: 'A 30 años de la firma de los Acuerdos de Madrid I y Madrid II'* ReFEM2065 April, 2020
470 *Ibid.*
471 Finally reciprocating the cancellation of the British ban, which had been lifted on June 8, 1985
472 *UN Document A/44/23*

August 15th, the Committee adopts a draft-resolution sponsored by Chile, Cuba and Venezuela on a vote of 20 votes to none against with 4 abstentions. [473]

> "*4. Urges the Governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute…"*

"In a resolution of 15 August, the Committee reiterated its position that the way to end the special and particular colonial situation of the Falklands was through a negotiated settlement. Regretting that the implementation of the General Assembly resolutions on this question had not yet started, it urged Argentina and the United Kingdom to resume negotiations,…" [474]

August 16th, in New York, Britain's Sir Crispin Tickell, holds talks with Argentine diplomat Sr. Garcia del Solar.[475] The question of sovereignty is set aside. Not discussed.

"Following Argentine advances, Sir Crispin Tickell, the British Permanent Representative to the UN and Sr. Garcia del Solar, a senior Argentine UN Representative, held a preliminary meeting on 16-18 August … The key to the success of both the August and subsequent October meetings was the decision to exclude the issue of sovereignty from the discussions by placing it under suspension in a manner similar to that used in the Antarctic Treaty." [476]

"The willingness to continue with the unofficial talks and to put the sovereignty issue under an umbrella, made the negotiations prosper, in such a way that just over a month after Menem assumed the presidency, Argentines and British saw faces for the first time since 1984, in New York. These "conversations about conversations", as they were called at the time, constituted the starting point of the negotiations with London, which later resulted in the Madrid Accords." [477]

"The umbrella posed a paradoxical situation. Although they reserved the rights of both parties to the surrounding islands and seas, in fact, it operated by freezing claims as all the subjects of this negotiation were theoretically protected by the agreed formula. For García del Solar the umbrella exists because there is a dispute over sovereignty, and Britain, precisely by accepting the formula, is not denying this point. If there were no doubts about Argentine sovereignty, the umbrella would be meaningless." [478]

August 18th, after three days of talks, Tickell and de Solar issue a joint press statement. In compliance with UN resolution *43/25,* both country's agree to commence substantive talks on the restoration of diplomatic relations.

> "*… where necessary, discussion would take place under the terms of a formula to protect the position of each side with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands.*
>
> *The two sides also agreed on a package of measures to improve diplomatic contacts and communications. In particular, they undertook to permit the respective Interests Sections to enjoy their own direct secure communications, to have direct access at official level to Foreign Ministries, and to remove the ceiling on numbers of staff…"*

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473 *UN Document A/AC.109/1008*. See - https://documents.un.org/doc/undoc/gen/n89/195/42/pdf/n8919542.pdf
474 *UN Yearbook 1989*
475 De Solar held no official position within the Menem government at this time. Described as a Special Representative.
476 Evans 1991
477 Herrero 2020
478 Mastropierro 2020. One way of looking at it. Of course there are doubts about Argentine sovereignty, but the umbrella is not meaningless as it facilitates discussions which would otherwise fail at their opening. For the British, this was (and still is) a practical arrangement and nothing else should be read into it. If there were no doubts about Argentine sovereignty, the British would have handed them over long ago.

"... a meeting was held in New York between representatives of the Governments of Argentina and the United Kingdom where they agreed on the timing, agenda and conditions for a later substantive meeting in Madrid between representatives of the two countries." [479]

"In the Joint Declaration issued at the end of the same, the so-called "sovereign umbrella formula" that protects the position of each party in relation to their rights over the surrounding archipelagos and maritime spaces, was established with respect to the dispute over the Falkland Islands. According to Foreign Minister Cavallo, this was a very important step, a qualitative leap from the previous situation because, for the first time since 1982, ***the United Kingdom explicitly accepted the existence of a legal dispute*** *over the sovereign possession of those territories. Great Britain.., had permanently resisted recognizing any litigation, its position was that the issue of sovereignty was finished and the islands were British."* [480]

"The men responsible for the policy and its implementation (Carlos Menem – in charge of the Executive – Domingo Cavallo – Minister – Lucio García del Solar – negotiator) were aware of the weakness of the Argentine position (political, military and economic) in carrying out the strategy and making progress in the negotiation and the implications for the claim of sovereignty. For this reason, they chose to carry out an implementation characterized by a progressive policy, which took into account the "step by step" style of British diplomacy and which would allow each of the problems of the bilateral relationship to be successfully resolved. With this strategy, they were convinced of the need to advance slowly and without deadlines on the underlying issue – sovereignty – and of the difficulties that the treatment of the fisheries problem represented for it." [481]

"As García del Solar recalls, diplomatic efforts prior to the re-establishment of relations were easy "because the text of the umbrella negotiated by the previous government was ready."..." [482]

"Guido Di Tella would declare years after that: "Both the Foreign Office and we agree to accept that both parties suspended or freeze their claims on the issue of sovereignty, while trying a serious approach on other pending issues, in order to create a certain climate of mutual trust that would allow us to reach, in the medium term, a satisfactory solution to the dispute"..." [483]

August 24th, in London, on behalf of the British Government, MP Tim Sainsbury writes to the Falkland Islands Committee to reassure them that*; "... the British Government's position is unyielding on the sovereignty of the Falklands: this is not for negotiation."* [484]

August 29th, in a joint-letter, the Governments of Britain and Argentina inform the Secretary-General Pérez de Cuéllar, of the talks to be held in Madrid in October. [485]

"The "carnal relations" that President Carlos Menem (1989-1999) established with the United States had a corollary of renewed diplomatic relations with London,.." [486]

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479 *UN Document A/44/692: Report of the Secretary-General October31, 1989*

480 *El Conflicto de Malvinas en la Politica Exterior Argentina* Alfredo Bruno Bologna 1994 in *La Politica Exterior del Gobierno de Menem* 1994. My emphasis. There was no "*explicit acceptance*" of a legal dispute. Indeed, no mention of a legal dispute before or during the conversations. Argentina 'grasping at straws', perhaps.

481 Pereyra & Argento 2016

482 Herrero 2020

483 Mastropierro 2020

484 *Falkland Islands Newsletter* September 1989

485 *UN Document A/44/490.* See - https://documents.un.org/doc/undoc/gen/n89/205/62/pdf/n8920562.pdf

486 Rubenstein 2011. "*Carnal relations*" had been a term used by Argentina's Minister, Guido de Tella, to describe Argentina's new relationship with the USA.

September 12th, in London, a delegation representing Falkland Islanders meets with Labour Party spokesman, George Foulkes MP to challenge his party's views on whether the "*interests*" or "*wishes*" of the Islanders are paramount. During the meeting Foulkes confirms that the Labour Party, if elected in 1992, will be willing to discuss sovereignty with a democratic government in Buenos Aires.

In Belgrade and New York, UN Secretary-General Javier Pérez de Cuéllar holds meetings with the Argentine President on the question of the Falkland Islands. [487]

September 15th, in New York, at the UN, the Special Committee on Decolonization submits a report to the Fourth Committee, outlining its work during the session. This includes the resolution adopted by the Committee on the Falkland islands in August. [488]

September 21st, at Southampton in England, the remains of Juan Manuel de Rosas are exhumed; for transfer to Buenos Aires via Paris. [489]

"In his book chronicling the trip, Anchorena remembers the moment with reverence. Tears filled his eyes as the Argentine flag was placed over the coffin, the same flag that had flown over the Argentine embassy in London at the time of the War of the Malvinas. After boarding a plane, the commission headed for France. When they entered French airspace, the captain opened a bottle of champagne, everyone participated in a solemn toast, after which they all recited the holy rosary." [490]

September 25th, in New York, at the opening of a new UN session, President Menem speaks before the General Assembly;"*I want to reassert that we will fight unstintingly and peacefully to recover our Malvinas Islands with reason and perseverance."*

The *New York Times* reports;

> *"The President made passing reference to last month's agreement to open talks with Britain in Madrid next month on re-establishing relations. "We have extended our hand, showing our willingness to enter into dialogue," he said. But he insisted that this must not put in question "our historical and inalienable rights to sovereignty over those usurped South Atlantic islands." "The normalization of bilateral dialogue," President Menem continued, "must be followed by the firm and sensible will to bring to an end a historically unsustainable colonial situation." Speaking privately, British officials reacted with caution to Mr. Menem's address, … When the two countries agreed to hold the Madrid talks last month, they said they would set aside their claims to the Falklands."*

October 7th, in Argentina, Leopoldo Galtieri, Jorge Isaac Anaya, Basillio Lami Dozo, together with 37 other officers of the dictatorship, receive Presidential pardons from Carlos Menem for crimes committed during the Falklands war. Menem announces a "*national reconciliation*." [491]

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487 *UN Document A/44/692: Report of the Secretary-General October31, 1989*

488 *UN Doc A/44/23 Chapter XI p.197 & 198*. See - https://documents.un.org/doc/undoc/gen/n91/145/24/pdf/n9114524.pdf

489 The 13th (1829 to 1832) and 17th (1835 to 1852) Governor of Buenos Aires Province. It was Rosas that had negotiated a peace treaty with Britain in 1849/50. On being deposed in 1852 and fearing for his life, Rosas had fled into exile in England. Negotiations for the repatriation of his remains had met with British approval in 1973, but successive Argentine governments failed to conclude the matter. Menem finally got it done. Rosa's remains are now in a mausoleum in La Recoleta cemetery, Buenos Aires.

490 *"Sometimes Knowing How to Forget Is Also Having Memory": The Repatriation of Juan Manuel de Rosas and the Healing of Argentina* J. M. Shumway 2004. *cf.* 1852

491 Presidential Decree *1005/89*. Following the annulment of the impunity laws of 1986 and 1987 in 2003, Argentine judges began to declare Menem's pardons unconstitutional when involving crimes against humanity. A process that led to the reinstatement of prior convictions.

"Leopoldo Galtieri, a former military President sentenced to 12 years in prison for leading Argentina into the disastrous war with Britain for control of the Falkland Islands, was freed today by presidential pardon. Mr. Galtieri, the former army commander, was among nearly 280 military men and accused leftist subversives who were pardoned Friday by President Carlos Saul Menem. He left detention in the Campo de Mayo military base in the suburbs of Buenos Aires at midmorning. He made no public statement. The two other members of the military junta that ruled Argentina when it went to war with Britain in April 1982 - the former air force chief, Basilio Lami Dozo, and the former navy chief, Jorge Anaya of the navy - were also officially informed of the pardons and were reported to be in the process of leaving detention." [492]

October 10th, in New York, at the UN, the Fourth Committee commences its consideration of the work of the Special Committee on Decolonization.

October 17th, in Madrid, Anglo-Argentine negotiating teams meet. [493]

"To explain the true spirit that surrounded the elaboration of the formula of the umbrella of sovereignty, Ambassador García del Solar, in a conference given at the National Academy of Sciences, clarified that "as a negotiator in the Madrid meetings that established the changes by the relationship with the United Kingdom would go, I can assure you that such an interpretation (that of the United Kingdom) of the reservation of sovereignty was not even remotely proposed, as it would have meant the sine die freezing of our claim and the right to continue raising it ..."." [494]

October 19th, an Anglo-Argentine joint-statement is issued.

> *"1. Nothing in the conduct or content of the present meeting or of any subsequent meeting shall be interpreted as (a) a change in the position of the United Kingdom with regard to sovereignty or territorial or maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas; (b) a change in the position of the Argentine Republic with regard to sovereignty or territorial or maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas; (c) recognition of or support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.*
>
> *2. No act or activity that the Republic of Argentina, the United Kingdom or any third parties carried out as a consequence of and in the execution of that which is agreed upon in the present meeting or in any subsequent meeting, can constitute the basis for confirming, supporting or denying the rights of the Argentine Republic or the United Kingdom relating to the sovereignty or territorial and maritime jurisdiction over the Falklands and South Georgia and South Sandwich Islands and the surrounding maritime areas."* [495]

The Joint Statement agrees: that hostilities between Britain and Argentina have ceased; that there will be a resumption of consular relations; the creation of a working group to consider measures for building confidence

492 *The New York Times* October 12, 1989
493 *UN Document A/44/678*
494 Romero 2020
495 *Joint Statement of 19 October 1989 Re-establishing Consular Relations Between Britain and Argentina, and Agreeing a Framework on Sovereignty Which Would Allow Further Talks.* Very much along the lines of the Antarctic Treaty Art. IV. See - https://falklandstimeline.files.wordpress.com/2018/01/1989-_joint_british_argentine_statement_including_text_of_sovereignty_umbrella.pdf

and avoiding military incidents; the *Protection Zone* to be aligned with the *Conservation Zone*; the lifting of all remaining restrictions between the two countries; Air and sea links to reopen; and the creation of a working group to consider fishing. [496]

> *"The two Governments noted that all hostilities between them had ceased.* ***Each Government undertook not to pursue any claim against the other****, including nationals of the other, in respect of loss or damage arising from the hostilities and all other action in and around the Falkland Islands, South Georgia and the South Sandwich Islands before 1989."* [497]

"Once the sovereignty issue had been put to one side, it became possible to proceed towards the normalisation of bilateral relations." [498]

"Menem decreed the cessation of hostilities (seven years after the surrender of the Argentine authorities in the Falklands–Malvinas) and re-established the diplomatic relationship with the United Kingdom." [499]

The *Chicago Tribune* reports.

> *"... "The Argentine government considers this agreement with the United Kingdom very important, truly transcendental," Argentine Foreign Minister Domingo Cavallo said in a news conference after reading a joint statement that was also released in London and Madrid. The two nations agreed to leave aside '****indefinitely****' the thorny issue of sovereignty over the islands, Cavallo said."* [500]

October 20th, from London, Foreign Secretary John Major writes to the Islanders.

> *"... we have succeeded in reducing the discrimination against British companies and taking several other worth-while steps. But I should stress that we only agreed to these talks on condition that the question of sovereignty over the Falklands was not for discussion."*

October 24th, both Argentina and the UK notify the UN's Secretary-General that an agreement has been reached and ask that the joint-statement be circulated as an '*official document*' of the UN.

October 31st, in New York, at the UN, the Secretary-General submits his report in pursuance of the request made in General Assembly resolution 43/25 of November 17, 1988.

> *"3. In the course of the year, I have remained in close contact with the two Governments .., I held meetings in London with the Prime Minister of the United Kingdom in June, and in Belgrade and New York with the President of the Argentine Republic in September, as well as on a number of occasions with the Foreign Ministers and Permanent Representatives to the United Nations of those two countries.*

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496 It is important to note that there was one unpublished element to the agreement. Leaked in a British document of May, 2011 - "*All C24 resolutions on UK OTs reach the UNGA, except that on the Falklands (a position agreed by the UK and Argentina since the resumption of bilateral relations in 1989/90)...".* See *Memorandum by the Foreign and Commonwealth Office (submitted in response to a letter from the Chairman of the Foreign Affairs Committee) Her Majesty's Government's current policy towards the UN Decolonisation Committee* 2010-2012 (dated May, 2011). C24 is a common name for the UN's Decolonization Committee which originally had 24 members. See - https://publications.parliament.uk/pa/cm201012/cmselect/cmfaff/writev/overseas/ot18.htm

497 *Joint Statement Art.3*. My emphasis. The agreement by the British not to pursue reparations for the costs of the 1982 war was surprising; particularly as Argentina, as the aggressor, would not appear to have been in any position to pursue claims of its own. The why remains unexplained.

498 Evans 1991

499 Mira and Pedrosa 2021

500 *Chicago Tribune* October 20, 1989. My emphasis.

4. From 16 to 18 August 1989, a meeting was held in New York between representatives of the Governments of Argentina and the United Kingdom where they agreed on the timing, agenda and conditions for a later substantive meeting in Madrid between representatives of the two countries. At that meeting it was agreed that, where necessary, discussion would take place under the terms of a formula to protect the position of each side with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas. The two sides also agreed on a package of measures to improve diplomatic contacts and communications. In particular, they undertook to permit the respective Interests Sections to enjoy their own direct secure communications, to have direct access at official level to Foreign Ministries, and to remove the ceiling on numbers of staff (see A/44/490-S/20818, annex).

5. At the meeting in Madrid, held from 17 to 19 October 1989 (see A/44/678-S/20915, annex), the two Governments agreed to a formula protecting the position of each side with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas. They confirmed their commitment to respect fully the principles of the Charter of the United Nations, in particular the obligation to settle disputes exclusively by peaceful means and to refrain from the threat or use of force. They noted that all hostilities between them had ceased and undertook not to pursue any claim for loss or damage arising from the hostilities. They agree% to re-establish consular relations at the level of Consul General and reaffirmed their wish to normalize relations with a view to resuming diplomatic relations. They agreed to set up a working group to consider the views and proposals on confidence-building measures exchanged at the meeting. Meanwhile, the British Government decided that, at an early %ate to be announced it would dispense with the existing requirement of prior agreement for Argentine merchant shipping to enter the Protection Zone and that it would align the limits of the Protection Zone with those of the fisheries Conservation Zone.

6. The two Governments also reached agreement on issues relating to their commercial and financial relations and on the resumption of air and maritime communications between the two countries. They agreed to set up a working Croup on fisheries with a view to making proposals for exchanges of information, for measures of co-operation and for conservation measures to be reported to a future meeting. They also expressed their support for expanded cultural, scientific and sporting relations and decided to hold their next substantive meeting in Madrid on 14 and 15 February 1990.

7. In my last report to the General Assembly on this question (A/43/799), I had expressed my disappointment at the apparent inability of the Governments of Argentina and the United Kingdom to enter into a meaningful dialogue. This inability has now been overcome. The substantive meeting held in Madrid in October and the prospect of a future one in February constitute in my view an important step towards overcoming the differences between the two countries and is in keeping with the current trend towards seeking peaceful solutions to international disputes. I particularly welcome the improvement in bilateral relations between the two countries and their renewed commitment to respect fully two basic principles of the Charter of the United Nations: the obligation to settle disputes exclusively by peaceful means and to refrain from the threat or use of force. Both countries can count on my continued willingness to assist in any manner in accordance with the mandate entrusted to me by the General Assembly." [501]

501 *UN Document A/44/692.* This in answer to the General Assembly's request of 1988, in which it asked the Secretary-General to report on resolution *43/25*'s progress.

November 1st, at the UN, during the 44th session of the General Assembly, the question of the Falkland Islands comes before the Assembly. Specifically the report of the Special Committee on Decolonization, together with its recommended resolution.[502] Also the report of the Secretary-General regarding his 'good offices'. [503] Ex-Argentine Foreign Minister, and current President of the General Assembly, Dante Caputo, informs members.

> *"I should like to call the attention of the Assembly to document A/44/490, to which is annexed a press communique issued in New York on 18 August 1989 by representatives of the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland, and to document A/44/678 ~ to which is annexed a joint statement issued in Madrid on 19 October 1989 by representatives of the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland. Furthermore, I should like to inform representatives that* ***following consultations*** *regarding this item it is* ***proposed that the General Assembly decide to postpone consideration of the item*** *and to include it in the provisional agenda of its forty-fifth session.* [504] *May I take it, therefore, that the Assembly wishes to take note of the documents that I have referred to and to defer consideration of this item and include it in the provisional agenda of the forty-fifth session? It was so decided."* [505]

"In order to give priority to the bilateral relationship, the promotion of annual Resolutions in the General Assembly in the General Assembly was suspended. There was also a fear that the quality of the Resolutions would diminish, by becoming increasingly bland as (a) result of the difficulties in obtaining votes … The main priority of Argentine foreign policy became its reintegration into the western, developed world. … However, and a little incongruously, Argentina maintained its pressure on the UN's C24 Committee on de-Colonization where, through the years, Argentina had reiterated its claim and obtained favourable Resolutions…" [506]

"*… the issue was not taken out of the scope of the United Nations, but rather our strategy changed. We prefer the bilateral route, privileging dialogue and negotiation as adequate methods to restore normality in our relations (…). The problem will be dissolved rather than resolved."* [507]

"In 1989, .., Argentina did not present a draft resolution to the General Assembly on the matter again (and would not do so since then), opting for a bilateral approach with the United Kingdom that recomposed diplomatic relations under an "umbrella" formula of sovereignty." [508]

"At the request of the United Kingdom, Argentina withdrew the Malvinas issue from the General Assembly, thus avoiding the British the wear and tear of having to defend the case annually before the international body and endure overwhelming votes against but which it had consistently ignored … It is not good for Argentina to deviate from the resolutions of the General Assembly of the United Nations that, since Resolution 2065/65, have advised the parties to negotiate a peaceful solution to the existing sovereignty conflict over the three archipelagos of the South Atlantic. The government of President Menem ***set aside this precise legal***

502 *UN Document A/44/23*
503 *UN Document A/44/692*
504 My emphasis. Consultations? There is no available record.
505 *UN Document A/44/PV.44.* Underlining is original emphasis. In the 36 years since 1989 (writing in 2025), the General Assembly has never again considered, debated or voted on a Falkland Islands draft resolution. The issue remains on the GA's provisional agenda every year, requiring only that a member of the UN, any member, raises the subject for debate. None have done so. Some have referred to this as a "gentleman's agreement" (*Nueva política de Estado para Malvinas* Marcelo Kohen in *Clarin* December 16, 2015), however it has survived many presidents, some of which were most certainly not 'gentlemen'. See - https://documents.un.org/doc/undoc/pro/n89/643/50/pdf/n8964350.pdf
506 Bullrich 2000 p.213
507 Argentina's Foreign Minister, Domingo Cavallo, quoted in Romero 2020
508 *La obligación de negociar y la cuestión Malvinas* Luciano Pezzano 2016 (CLACSO)

***framework**, which should be the permanent axis of our relationship with Great Britain, to independently and specifically negotiate future oil and gas activities in the waters surrounding the Falkland Islands."* [509]

"Given ... the poor results in multilateral forums, the Argentine Government decided first of all in the multilateral scenario to postpone the debate on the Malvinas Question in the United Nations General Assembly, .., since they considered this forum an inconvenient channel and that there had been important progress in bilateral relations, but the Menem administration considered that a lot of diplomatic efforts and resources were spent in the UN General Assembly without achieving any significant results "except" favorable resolutions. ... Confirming and justifying this strategic decision, Menem said that "the United Nations resolutions are a waste of money and time". Consequently, the Argentine government decided to try to dialogue directly with the United Kingdom over the Malvinas. ... The Malvinas issue has been put on hold on the agenda of the General Assembly by agreement between Argentina and the United Kingdom of Great Britain." [510]

In London, almost unnoticed, the Privy Council approve the *Falkland islands (Territorial Sea) Order 1989*.

> *"Her Majesty, in pursuance of the powers conferred upon Her by the Colonial Boundaries Act 1895 and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows: ...*
>
> *2.The boundaries of the Colony of the Falkland Islands are hereby extended to include, as territorial Sea, that part of the sea which is situated within 12 nautical miles measured from the baselines as established by article 3 of this Order, together with the seabed of the territorial sea and its subsoil."* [511]

December 11th, in Buenos Aires, Presidential decree *1405/89* calls for a monument to those fallen in the 1982.

December 18th, in Paris, an Anglo-Argentine Working Group on fisheries meets for the first time. [512]

December 22nd, from London, PM Thatcher sends a Christmas Message to the Falkland Islanders.

> *"Now you will have heard about our discussions with the new Argentine Government. ... we have made clear that we will not negotiate on sovereignty."*

509 Mastropierro 2020 citing Solari Yrigoyen September 27, 1993. My emphasis. The first sentence of this quote appears to be pure nonsense.

510 Romero 2020. Unconvincing.

511 See - https://www.legislation.gov.uk/uksi/1989/1993/made

512 *Las declarationes de Madrid O la diplomacia como la continuacion de la guerra por otros medios* G. M. Caviasca 2018. The initial aim would seem to have been an exchange of information on fleet sizes, catches and to explore the potential for cooperation.

1990 – January 1st, the United Nations celebrates the commencement of the International Decade for the Eradication of Colonialism; *"... aimed at ushering in the twenty-first century a world free from colonialism."* [513]

> *"Commemorating the thirtieth anniversary of the Declaration, the Assembly recognized the significant and commendable role played by the United Nations since its inception in the field of decolonization and noted that, during that period, more than 100 States had achieved sovereignty. The Assembly expressed its determination to take effective measures leading to complete and unconditional elimination of colonialism in all its forms and manifestations without further delay."* [514]

January 3rd, there is no communication from Buenos Aires regarding the events of 1833.

January 29th, at Bold Cove, in the Falkland Islands, the anniversary of John Strong's 1690 landing is commemorated by the crew of HMS *Leeds Castle* together with the Commander of forces on the islands, the Governor and members of the community. The placing of the Union Jack is greeted by a 17 gun salute.

The Governor of the Falkland Islands loses his role as High Commissioner for the British Antarctic Territory, which transfers to a Commissioner based in London.

February 14th, in Madrid, delegations from Argentina and the UK meet for two days of talks. [515]

"The key point at issue was the future of the 150-mile Falkland Islands Protection Zone (FIPZ) ... Argentina strongly asserted its wish to be able to approach the vicinity of the Islands without seeking prior authorisation. The British were concerned that such a relaxation might be considered both prejudicial to security and be taken as a signal of a lessening commitment to the Islands." [516]

February 15th, at the end of the Madrid negotiation, a Joint Statement is issued to the press. [517]

> *"... the solution was reached in a very short time."* [518]

The main points of agreement are:

Art.3 – restoration of diplomatic relations.

Art.4 – lifting of the protection Zone around the archipelago.

Art.5 – confidence building measures to be implemented to avoid 'incidents'.

Art.7 – exchange of information with regard to fishing fleets, catch and stocks.

Art.8 – an over-arching Working Group on South Atlantic Affairs.

Art.10 – visits to the cemetery by close relatives of those Argentine nationals buried there.

Art.13 – abolition of the requirement for visas for nationals of both countries wishing to visit the other.

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513 See November 22, 1988.
514 *UN Yearbook 1990*
515 Under the terms of the 1989 sovereignty "*umbrella*".
516 Evans 1991
517 *Joint Statement of 15 February 1990 Re-establishing Diplomatic Relations Between Britain and Argentina*. See https://falklandstimeline.files.wordpress.com/2018/01/1990-joint-british-argentine-statement-on-the-reestablishment-of-diplomatic-relations.pdf
518 Unnamed British delegation member quoted in *Acuerdo de Madrid: los ocho artículos de la vergüenza del Versalles argentino* Enrique Aurelli in *Contraditorial* August, 2022

"Twenty-five days written notice must be given of any movement of four or more naval vessels or aerial forces; of land based military exercises involving over 1000 men or more than 20 aircraft sorties, and of amphibious or airborne exercises involving more than 500 men or 20 aircraft sorties. ... 48 hours notice must be given of any ship movement within 50 miles of a coast or of any aircraft movement within 70 miles ..." [519]

"In Madrid the United Kingdom obtained what had eluded her in Berne five years earlier. Namely, that the discussions should include all the issues in which Britain was interested, that is security, communications, trade, fishing, and consular relations, while at the same time excluding the issue of sovereignty from the bilateral agenda. ... What did Argentina obtain ... in taking this step, Argentina re-entered a direct diplomatic dialogue with Great Britain, interrupted since April 1982, and this opened the door to the restoration of a varied and useful range of contacts and exchanges. Arguably, the restoration of conventional relations with the United Kingdom was part of a larger strategic shift in Argentine international relations under President Menem." [520]

"The resumption of diplomatic relations in 1990 took place only once Argentina decided not to insist on linking it to new negotiations on sovereignty." [521]

"... Argentina cedes to Great Britain control over its military forces in an immense territory that was not under discussion and that there was no reason to place under that system that in fact restricts the freedom of the armed forces at sea far beyond the Malvinas." [522]

"... the Argentine delegation chaired by then Foreign Minister Domingo Cavallo,... apparently signed with their English counterpart, Sir Crispin Tichielle (sic) – without legitimacy from the Argentine congress and in just forty-eight hours – the most infamous agreement signed in the history of our country, an agreement that would simply recognize the English possessory right over the archipelago of the Malvinas Islands, the South Sandwich Islands, South Georgia and the surrounding maritime areas. ... the English had brought all the documents to Madrid already drawn up, and our delegation travelled committed to signing blindly, betraying the future of the Argentine people. ... These ruinous agreements were signed in secret, without consideration from the National Congress, which the complementary treaties barely passed. The signature of delivering our archipelago, our seas and above all our sovereignty on a platter to the pirates was carried out behind the backs of the Argentine people, who remained unaware of the scam to which a democratic government was illegitimately subjecting them." [523]

February 17th, in London, *The Times* newspaper reports Lucio Garcia del Solar, as saying; *"Britain could not avoid the question of sovereignty over the Falklands being raised in future."*

February 21st, in New York, the UN Secretary-General is informed of the agreement. [524]

February 26th, Anglo-Argentine diplomatic relations are restored; embassies reopen fully. [525]

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519 Evans 1991

520 Jose Octavio Bordon in *Argentina: Foreign Relations and the New Foreign Policy Agenda* Colin M. Lewis & Celia Szusterman (eds) 1996

521 Berasategui 2013

522 Caviasca 2018

523 *Acuerdo de Madrid: los ocho artículos de la vergüenza del Versalles argentino* Enrique Aurelli in *Contraditorial* August, 2022

524 *UN Document A/45/136*

525 Argentina's Ambassador, Dr Mario Cámpora, arrived in London in May; Britain's Humphrey Maud flew into Buenos Aires in July.

In **March**, in Buenos Aires, a poll for the newspaper *Clarin,* reveals that only 24% of Argentines believe that the Falkland Islanders should be allowed to choose their own future. [526]

Argentina's political opposition parties and groupings complain that the Joint Statements have no legal validity in Argentina.

"Many sectors due to naivety or malicious intent deny the existence, validity or efficacy of these Declarations. Because in order for them to be effective and "oblige" Argentina, they should be ratified by Congress, which, they argue, never happened. In the first instance these voices, assuming they are naive or ignorant, do not know that what Congress must ratify are "treaties" not "statements." And the choice of the formula "declaration" in these agreements was not naive. It was designed to prevent the sensitized Argentine society from being in the position to debate the Malvinas issue. ... But just by reading them we take note that their writing is that of complete and super-comprehensive treaties, on the broadest issues that concern sovereignty, in its most intimate aspects: exploitation of hydrocarbons, fishing, British investments and armed forces. To just mention four aspects of the many that these "Declarations" framed for the future. ... Furthermore, based on the declarations, the parliament sanctioned a set of laws that make the "declarations" ... mandatory. Because these as such, presented to the people as "Treaties between England and Argentina", would not have been approved or would have been modified." [527]

April 7th, in the UK, at Streatly-on-Thames; *"... was a meeting of non-governmental representatives of the two countries ... from April 7 to 9, 1990. About 30 British and Argentine representatives of the Church, private business, political group, academic circles and other bodies informally met to discuss topics such a fishing regimes, relations with the EEC, bilateral affairs, and other subjects, with a view to achieving a better understanding between the two countries."* [528]

April 8th, in the Falklands, a Chilean aircraft from Punta Arenas arrives; the first international flight since 1982.

April 9th, Britain's Foreign Secretary meets with Argentina's Foreign Minister to discuss the abolition of visa requirements for both countries by June. [529]

April 15th, at the end of a tour of Europe, Argentina's Foreign Minister, Domingo Cavallo, speaks to the press.

> *"Mrs Thatcher had refused to discuss ownership of the islands, although diplomatic ties were resumed in February. But Labour has committed itself to talks with no pre-conditions, as long as Argentina remains a democracy."*

April 16th, Britain's *Daily Mail* newspaper reports.

> *"Labour has told Argentina it will hold talks on the future of the Falklands if Neil Kinnock wins power. Sovereignty would be on the agenda despite fierce opposition."*

April 19th, in London, the UKFIC meets Tim Sainsbury, Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs.

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526 *Prospects for a Settlement of the Falklands/Malvinas Dispute* F. Noguera & P. Willets 1992

527 Caviasca 2018

528 *Argentina-United Kingdom: Joint statement on confidence building measures, including an information and consultation system and safety measures for air and maritime navigation* Evelina Teubal de Alhadeff 1990 in *International Legal Materials* Sept. 1990 vol.29 no.5 pp.1296-1304

529 Nothing came out of these talks. See 1999.

"... I brought up the subject of oil exploration licences, to be issued by FIG. His officials had anticipated this and prepared a three-point ministerial answer, each squashing the proposal. The sea was too rough, the ocean too deep and no oil company wanted to explore the region for these reasons." [530]

April 26th, in New York, the UK mission to the UN sends a letter to the Decolonization Committee stating that Britain considers the colonial era as over; *"... and therefore saw no further need for the United Nations to devote time and resources to the special study of the affairs of the non-self-governing territories."* [531]

In Buenos Aires, Argentine law *23,775* is sanctioned; changing the National Territory of Tierra del Fuego into a Province. Included within the geographical area of the new provincial territory are the Falkland Islands, South Georgia, and the South Sandwich Islands. Also what is described as, *"Island groups and other Territories included in the Argentine Antarctic Sector."*

> *"Art. 2: Regarding Antarctica, Malvinas, South Georgia, South Sandwich and other subantarctic islands, the new Province is subject to the treaties with foreign powers that the federal Government enters into, for whose ratification it will not be necessary to consult with the provincial government."*

"The provincialization law itself states that the province could be divided, and it can be interpreted as directly implying that sovereignty over a large portion of it does not yet belong to our country..." [532]

"With a federal and inclusive vision of the national territory and the urgent need to populate that neglected southern region, Tierra del Fuego was provincialized on June 15, 1955 by Law 14,408 (art. 1, sub. c); However, decree-laws 21,178 of 8/22/1956 and 2,191 of 2/28/1957 once again transformed Patagonia and Tierra del Fuego into national territory. Thirty-five years later, by Law 23,775 (4/26/1990) Tierra del Fuego was again provincialized; although in doing so, its article 2 established that "As regards Antarctica, the Malvinas, South Georgia, the South Sandwich Islands and other sub-Antarctic islands, the new province is subject to the treaties with foreign powers that the federal government celebrates", for whose ratification it will not be necessary to consult the provincial government". In other words, the central government - in our opinion - unconstitutionally curtailed the sovereignty of the Province, telling its authorities and Fuegian residents "your province reaches there or more or less, as the central power wants", revealing, in addition, an unfortunate surrender to the United Kingdom, with respect to the archipelagos..." [533]

April 27th, talking to Oscar Raul Cardoso in the *Clarin* newspaper, ex-Foreign Minister Dante Caputo says that as regard the Falkland Islands, Argentina is claiming the territory; not a population of origin and culture hardly compatible with Argentina's. [534]

May 2nd, Argentina's head of the Navy, Admiral Enrique Pico, writes to the newspaper *La Nacion* regarding the sinking of Belgrano in 1982 giving the official verdict that the warship was part of a pincer movement threatening the British and that its direction and location were not relevant. The whole of the South Atlantic was a war zone. [535]

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530 Elgood 2025. This author notes that, a few months later, he repeated his question to the FCO Minister but with evidence to disprove the FCO's three-point assertions. When Elgood offered a letter from an "interested" oil company, the Minister "*fled the room*."

531 *The Future of Tokelau: Decolonising Agendas 1975-2006* J. Huntsman 2007 p.151. Diplomats and politicians of all persuasions like their committees. Trying to get one closed down, was a non-starter.

532 *Una propuesta a medida del deseo kelper y los intereses británicos, en el seno del Consejo Nacional de Malvinas* Luciano R. Moreno Calderón 2021

533 *Desarrollar Tierra del Fuego para asegurar la Soberanía Nacional* César Lerena 2023

534 *No Interest in Arbitration* Simon Arthur in *The Falkland Islands Newsletter* November, 1992

535 Elgood 2025

May 15th, Argentine law *23,775* is recalled by a Presidential decree *905/1990* due to flaws in its drafting. Areas of Chile, have been included within the territorial description. [536]

> *"… the delimitation contained in article 1 of the sanctioned text requires greater clarification, to adapt it to the current legal order. … the limits set in the aforementioned norm could involuntarily generate interpretations by third States that do not respond to the positions held on the matter by our country."*

May 21st, in London, UKFIC member Robert Elgood writes to the Tory Party Chairman, Kenneth Baker MP, regarding oil exploration licences for the Falklands.

"Having provided evidence of oil in the Falklands, I argued: "Western geophysical had made a formal application and provisionally booked a suitable vessel for this autumn. … a revision of the policy is long overdue and has the support of all those involved with the South Atlantic region with the apparent exception of the Foreign and Commonwealth Office. We are reluctantly preparing to brief members of Parliament of all parties on this issue …" [537]

June 10th, in London, a British-Argentine Working Group on South Atlantic Affairs meets. [538]

June 12th, Western Geophysical submit a formal application for a Falklands oil exploration licence.

"The application was intended to put the cat amongst the pigeons." [539]

June 13th, responding to the UKFIC letter to the Tory Party Chairman, Permanent Under-Secretary Tim Sainsbury writes to Sir Rex Hunt, Chairman of the Falkland Islands Association; *I continue to believe that it makes sense to wait until this [minerals] legislation has been properly prepared before the Falkland Islands Government issue further licences for seismic exploration."* [540]

June 25th, from the Falklands, Nicholas Winterton MP, following a meeting with Councillors in Stanley, writes to Tim Sainsbury to say that they were unanimous in their desire to press ahead with oil exploration, and did not agree that there should be any delay while mineral legislation was being prepared. [541]

"Matters continued at a snail's pace." [542]

In **July**, in London, Sukey Cameron takes over from Lewis Clifton as the Falkland Islands Government Representative. [543]

The Governor, Chief Executive, and Chief of Police were (the) Levers of power. Illegally no attempt to train local people to take over these roles was made. It was clearly foolish of Councillors to let the colonial power appoint the FIGREP in London and have them report to the expat Chief Executive rather than to Councillors."[544]

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536 It remained unamended for 19 years, until 2009. *cf*. 2006, 2009 & 2016
537 Elgood 2025. See June, 1990, below.
538 *UN Doc A/46/596: October 24, 1990*. Arising out of the 1989 talks between Argentina and Britain, this meeting was listed as the '*fifth*'. Details of the previous four do not appear to have been published.
539 Elgood 2025
540 *Ibid* citing *Sainsbury to Hunt June 13, 1990* in *EP/1990/OIL*
541 *Ibid.*
542 *Ibid.* See 1996, below.
543 Lewis Clifton having succeeded to the job from Alastait Cameron, Sukey's brother.
544 Elgood 2025

August 1st, in New York, the UN's Special Committee on Decolonization begins its annual consideration of decolonization issues.

"At its 1363rd and 1366th meetings, on 1 and 8 August, the Committee granted requests for hearings to Mr. T. J. Peck of the Legislative Council of the Falkland Islands, as well as to Messrs. D. A. Clifton, Hugo Warneford Thomson and Alexander Betts. ... 6. At the 1368th meeting, on 9 August, the Chairman drew attention to a draft resolution on the item sponsored by Chile, Cuba and Venezuela (A/AC.109/L.1743). 7. At the 1369th meeting, on 13 August, following a statement by the representative of Cuba, statements were made by Messrs. Peck, Clifton, Thomson and Betts (see A/AC.109/PV.1369). 8. At the same meeting, the Chairman informed the Special Committee that the delegation of Argentina had expressed the wish to participate in the Committee's consideration of the item. The Committee decided to accede to the request." [545]

August 14th, the Decolonization Committee adopts a draft-resolution submitted by Venezuela.

> *"Urges the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and bilateral cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands..."* [546]

In **September**, the UN's Fourth Committee becomes the Fourth (Special Political & Decolonization) Committee.

October 29th, in Argentina, Foreign Minister Domingo Cavallo is reported as saying he does not believe that the British will extend the 150-mile fisheries conservation zone.

November 2nd, Britain and Argentina agree a joint-statement regarding fisheries conservation. [547]

"... the Joint Statement establishes a South Atlantic Fisheries Commission ... The role and functions of SAFC, which relate to the most significant offshore species in the waters between latitudes 45° South and 60° South (i.e. an area stretching 900 nautical miles from roughly central Argentina to well below the foot of South America), are to assess the state of fish stocks in this area, to collect and analyse information relating to fishing operations and the status of the stocks, to propose to the two governments joint scientific research on the most significant offshore species, to submit to both governments recommendations for the conservation of the most significant offshore species and in accordance with international law to recommend ... possible actions for the conservation in international waters of migratory and straddling stocks and species related to them." [548]

November 8th, Argentina publishes law *23,16/1990*.

"Decree 2316 of the National Executive Power, National Antarctic Policy of 1990, in force with amendments, states in Art. I that the primary objective of the National Antarctic Policy is to reinforce Argentine sovereign rights in the region. Policies to be enforced so as to reach this objective shall inter alia: "strengthen the Antarctic Treaty and its system", "increase Argentine influence in the decision-making processes of the treaty and its system" (Art. II). Among its priorities it includes the preparation of a scientific and technical Antarctic plan with emphasis on investigation to develop knowledge about mineral and fishing resources, and of the environment to enhance its protection, including Antarctic phenomena of global importance and the development of specifically Antarctic technologies (Art. III. 1). It further states that it shall be a priority for

545 *UN Doc A/45/23 (Supp)*
546 *UN Document A/AC.109/1050.* See - https://documents.un.org/doc/undoc/gen/n90/190/82/pdf/n9019082.pdf
547 See - https://falklandstimeline.files.wordpress.com/2018/01/1990-joint-statement-on-the-conservation-of-fisheries.pdf
548 *Falkland Islands: Maritime Jurisdiction and Co-operative Arrangements with Argentina* Robin R. Churchill in *The International and Comparative Law Quarterly* Vol.46, No.2 (Apr., 1997), pp. 463-477

Argentina to provide services, including facilities for communication, transport, supplies, meteorology and cartography, maritime and air navigation security, prevention and solution of ecological contingencies, tourism; their planning and execution shall be assessed considering their environmental impact (Art. III. 2). A further priority is to "strengthen the links between Argentine Patagonia, in particular Tierra del Fuego, and the Antarctic Sector through the preparation of appropriate programmes" (Art. III. 6).” [549]

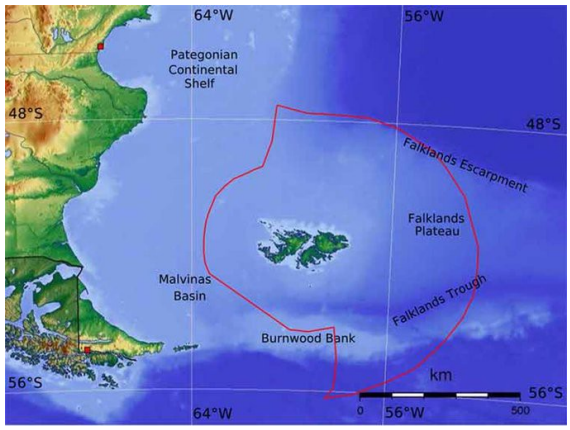
November 12th, from Punta Arenas, in Chile, a local company, Aerovias DAP, establishes a weekly air service to Mount Pleasant Airport.

November 22nd, in the UK, Margaret Thatcher resigns as Britain's Prime Minister. John Major takes over.

November 28th, Argentina and Britain release a further joint-statement.

> *“... 2. In order to contribute to the conservation of fish stocks, the two Governments agreed to open the way for cooperation in this field on an ad-hoc basis; this will be done:- (a) by means of the establishment of the "South Atlantic Fisheries Commission", composed of delegations from both States, to assess the state of fish stocks in the South Atlantic in accordance with paragraph 7 of the Joint Statement issued at Madrid on 15 February, 1990.”*

The statement is accompanied by a '*Proclamation*' to become effective on December 26, 1990.



> *“1. There is established for the Falkland Islands an outer fishery conservation zone, hereinafter referred to as 'the outer zone'.*
>
> *2. The outer zone has its limits and lines defined in the schedule to this Proclamation.*
>
> *3. The outer limits of the outer zone may be varied by means of a further Proclamation for the purpose of implementing any agreement or arrangements with another state or states or an international organisation or otherwise.*
>
> *4. Her Majesty will exercise the same jurisdiction in respect of fisheries in the outer zone as she has in respect of fisheries in the territorial sea of the Falkland Islands subject to such provision as in force or may hereafter be made law for those matters within the territorial sea and the outer zone.”* [550]

Argentine Foreign Minister Domingo Cavallo, tells reporters that the agreement signifies; *“... implicit British recognition of the Argentine claim to sovereignty over the 200 miles of territorial waters around the Malvinas Islands.”*

“He must know that this is not true and one can only assume that his comments were intended for purely domestic consumption, but such blatant dishonesty is bound to lead to further misunderstanding and, eventually, confrontation. After all, the 1982 conflict had its origins in the 1971 Communications Agreements.”[551]

549 *The Antarctic Legal Systems and Environmental Issues* Gianfranco Tamburelli 2006

550 Extends the FICZ to the north, east and south of the Falkland Islands to 200 miles from coastal baselines. See - https://www.ofdc.org.tw:8181/web/components/Editor/webs/files/Fishery Conservation Outer Zone Proclamation 1990_ENG.pdf

551 Sir Rex Hunt quoted in *Penguin News* December 14, 1990

In London, on the same day, Margaret Thatcher resigns the office of Prime Minister.

A first meeting of the South Atlantic Fisheries Commission is held; concluding in a *Joint Declaration on the Conservation of Fishery Resources*. [552]

> *"4. The Commission will have the following functions:- (a) In accordance with paragraph 7 of the Joint Statement issued at Madrid on 15 February 1990, to receive from both States the available information on the operations of the fishing fleets, appropriate catch and effort statistics and analyses of the status of the stocks of the most significant offshore species. Both Governments will provide such information in the form recommended by the Commission; (b) To assess the information received and to submit to both Governments recommendations for the conservation of the most significant offshore species in the area; (c) To propose to both Governments joint scientific research work on the most significant offshore species; (d) In accordance with international law, to recommend to both Governments possible actions for the conservation in international waters of migratory and straddling stocks and species related to them; (e) To monitor the implementation of the prohibition and make recommendations in this regard to both Governments. 5. The prohibition in paragraph 2(b) will take effect on 26 December 1990; both Governments agreed to cooperate in order to implement it. 6. Each Government will take the appropriately related administrative measures in accordance with this Joint Statement"*

December 11th, an Anglo-Argentine Bilateral Investment Treaty is signed.

"... the treaty covers mining and hydrocarbons throughout the Argentine territory, not especially in the Malvinas region. Sectors of the economy that began to be transformed into exploitation and export resources in the hands of large foreign extractive companies, among which the English are a substantial part. This treaty was part of a package that transformed and allowed its implementation from this historical moment, hand in hand with the new "Mining Code", the constitutional reform that delivers natural resources (deregulated and privatized) to the provinces and privatization of YPF." [553]

December 12th, in New York, at the UN, the General Assembly considers the question of the Falkland Islands:

> *"By decision 45/424 of 12 December, the General Assembly took note of the letter dated 21 February from Argentina and the United Kingdom to the Secretary-General,.. and included the item entitled "Question of the Falkland Islands (Malvinas)" in the provisional agenda of its forty-sixth (1991) session.* [554]

Britain's Prime Minister, John Major, sends a Christmas Message to the Islanders; *"You need be in no doubt that we will continue to honour our commitments to you."*

December 26th, the Falkland Islands Fishery Conservation Outer Zone becomes effective.

"... an Outer Fishing Conservation Zone ... within which the Crown has ... the same jurisdiction in respect of fisheries as it has in respect of fisheries (with)in the territorial sea." [555]

552 See - https://falklandstimeline.files.wordpress.com/2018/01/1990-joint-statement-on-the-conservation-of-fisheries.pdf
553 Caviasca 2018. Ratified by the Argentine Congress on November 4, 1992
554 *UN Yearbook 1990*. As in 1989, the question was deferred. No debate, no vote, no …. nothing.
555 Churchill 1997 p.465

1991 — January 3rd, there is no communication from Buenos Aires regarding the events of 1833.

February 1st, in Argentina, Guido di Tella is appointed head of the Foreign Ministry.

"In the first days of that year, Di Tella announced that, in order to solve the conflict, the wishes of the inhabitants will be taken into account." [556]

"Foreign Minister Di Tella pointed out Argentina's willingness to take into account the "wishes" of the islanders and not only their "interests", the traditional Argentine position in the negotiations." [557]

"In an interview with this author, the then Vice-Chancellor Andrés Cisneros says that the origin of "the seduction policy comes from an internal memorandum of the Foreign Ministry sent by Ortiz de Rozas in which he summarized conversations with officials of the Foreign Office where they told him that Argentina had to win the hearts and minds of the islanders (...) from there comes the idea of Di Tella's seduction (...) Di Tella's idea was to seduce the English voter (...) explaining to them how expensive it was to be there (Malvinas) and that in the issues that concerned them such as fishing and oil, the Argentine Government was willing to cooperate in finding a solution (...) in other words, the seduction policy was not for the islanders but for the British (...)"." [558]

March 5th, in the Falklands, a population census reveals that there are 2,121 people on the Islands, excluding military personnel, their families and others present in connection with the military garrison. [559]

March 18th, from Buenos Aires, 354 relatives of Argentina's war dead from 1982 fly out from Ezeiza Airport to the Falklands. They are seen off by a demonstration of Argentine veterans shouting anti-British slogans.

> *"... despite a reconciliation last year between Buenos Aires and London, the visit was marked by political sensitivity and the resentment that many Argentines still harbor toward Britain. About 40 veterans of the Falklands war, shouting anti-British slogans and wearing battle fatigues, tried to enter the boarding area just before the visitors' plane took off early this morning. They were dragged away by security guards, but no arrests were reported. Boarding an Argentine Airlines jet whose markings had been covered over by the insignia of the International Committee of the Red Cross, the relatives of the fallen soldiers began their visit to the Port Darwin military cemetery 1,300 miles away, where 235 are buried.... In addition to obscuring any reference to Argentina on the 747 used in the flight, the visiting Argentines had to surrender their Argentine passports in exchange for a Red Cross identification card. Flight attendants were asked not to wear their Argentine Airlines emblems. Passengers were not permitted to carry literature with the name Argentina, nor were they allowed to take Argentine flags or even arrangements of light blue and white flowers that could be construed to represent the Argentine national colors. For security reasons, the plane had to fly with the view from its passenger-seat windows blocked once within 60 miles of the Falklands."* [560]

On their arrival at Mount Pleasant Airport, supervised by the International Committee of the Red Cross (ICRC), the relatives and journalists are serviced by military personnel so that they do not have to come into contact with Islanders; many of who oppose the visit. [561]

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556 Bologna 1994
557 Pereyra & Argento 2016
558 Romero 2020
559 *Falkland Focus* October 1991
560 *The New York Times* March 19, 1991
561 Original agreement stipulated that relatives should arrive by sea and travel to the cemetery without going via Stanley.

"*The flight landed at the Mount Pleasant air force base, 30 miles south west of Stanley, the capital. From Mount Pleasant, British officers flew the relatives of the fallen soldiers in four helicopters, their British insignia obscured by the Red Cross, to the Darwin (military) cemetery about 50 miles away. Relatives were permitted to stay at the grave sites an hour and 20 minutes. An Argentine Roman Catholic priest presided over short services."* [562]

"Most of our families arrived in the Darwin (military) Cemetery in 1991, without knowing that they would see so many nameless graves. That provoked sadness, rage, and also a great desire to address that issue. The outpouring of grief among the families of the fallen immediately took the form of a fight for individual and collective identity. The anguish provoked by this large amount of white, nameless crosses generated a feeling that was shared by the whole group: "They are all our sons."..." [563]

In **April**, in Bariloche, Argentina, a conference opens, organised by the pro-Argentine Lord Montgomery.[564]

"There were some 40 British sponsors, mainly companies with interests in Argentina. The South Atlantic Council contributed too, as did the Foreign and Commonwealth Office." [565]

May 3rd, the Falkland Islands Government purchases farms from the Falkland Islands Company.

August 1st, at the United Nations, the Special Committee on Decolonisation begins its annual consideration of the question of the Falkland Islands. Requests for a hearing are granted to Norma Edwards and Lewis Clifton representing the Falkland Islands Government; also to Luis Gustavo Vernet and Juan Scott. Argentina's representative is also allowed to address the committee. [566]

August 14th, the Special Committee adopts a draft-resolution requesting; *"... the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25."* [567]

In Buenos Aires, Argentina's Congress promulgates law *23,968* – establishing an Exclusive Economic Zone covering the whole continental shelf; embracing the Falkland Islands, South Georgia and the South Sandwich Islands. [568]

"For its part, and in reaction to the FOCZ, in September 1991 the Argentine Congress passed Law 23,968, which establishes the Base Lines from which the Territorial Sea, Contiguous Zone, Exclusive Economic Zone and Continental Shelf of Argentina should be measured." [569]

562 *The New York Times* March 19, 1991
563 Quoted in *Argentine* Rubenstein 2011 citing *Comisión de Familiares de Caídos en Malvinas e Islas del Atlántico Sur, "Inauguración del monumento."*
564 David Bernard Montgomery, the son of Field Marshall Sir Bernard Montgomery, was Vice-President of the Anglo-Argentine Society. Bariloche was famous as the town where ex-Nazis settled after the 1939-45 World War.
565 *The Bariloche Conference* Peter J. Pepper *Falkland Islands Newsletter No. 49 November 1991.*
566 *UN Document A/46/23*
567 *UN Document A/AC.109/1087*
568 See - https://faolex.fao.org/docs/pdf/arg1223.pdf
569 Romero 2020

September 19th, in Buenos Aires, President Carlos Menem announces Argentina's withdrawal from the Non-Aligned Movement, claiming "*The Cold War is over*." [570]

September 25th, Britain and Argentina issue a joint-statement regarding consultations between their military authorities.[571] A direct, 24 hour, communications link is established between the Commander British Forces Falkland Islands and Argentina's Naval and Air Authorities in Ushuaia and Comodoro Rivadavia under an 'Interim Reciprocal Information & Consultation System'.

> *"Taking into account the increase of mutual confidence between the United Kingdom and the Argentine Republic, end in order to progress towards the achievement of a more normal situation in the South-West Atlantic, the System will consist, of the following provisions 1. Direct Communication Link A. The Direct Communication Link between the respective military authorities will be maintained – under the supervision of both Foreign Ministries – in order to ensure the exchange of information to allow adequate reciprocal knowledge of military activities in the South-West Atlantic."* [572]

Another clause provides for written notice, 14 days in advance, of; *"... movements of 4 or more naval or air units and about exercises involving more than 1,000 troops, when either is carried out within 80 nautical miles of coasts... (and) Reciprocal notification of identity, intended track and purpose will be given, not less than 48 hours in advance, of naval combatant units that intend to approach closer to coasts than 15 nautical miles. These movements will require mutual consent."* [573] Further provisions relate to search and rescue; safety of navigation and an air control zone.

"The interesting thing is that the "Working Groups" are called for: "South Atlantic" issues, not Malvinas / Falkland as appears in the original (1990) statements. This implies a clear English intention, they are not "discussing the Malvinas" between two countries that dispute them, but the "South Atlantic" between two countries that have interests in it. Another setback." [574]

October 4th, signed in Madrid, the *Protocol on Environmental Protection to the Antarctic Treaty* makes the Antarctic the most environmentally protected region on earth.

October 14th, in London, it is announced that HMS *Endurance* is to be decommissioned after 24 years service.[575]

October 31st, on the Falkland Islands, a *Phantom* military aircraft, conducting air combat manoeuvres, crashes. Flight Lieut. Ian Holden and Flight Officer C. Weightman, are killed.

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570 The Non-Aligned Movement (NAM) of countries was founded in 1961 (following an initial conference in 1955) as an alternative to the Cold War power blocs which saw the US and its allies on one side, and the Soviet Unions group on the other. The NAM had not wished to tie themselves to either block but sought a third way which promoted peace, non-interference and anti-imperialism. Argentina had joined in 1973, from which time NAM members generally favoured Argentina's arguments in its pursuit of the Falkland Islands. President Menem, however, favoured alignment with the US. The NAM had some 100 members in 1991 (120 in 2025) and dominated on a number of UN committees including the UN's Decolonization Committee (C24). In 2025, 26 of the 29 C24 members are also NAM members.

571 See - https://falklandstimeline.files.wordpress.com/2018/03/joint-statement-september-25-1991.pdf

572 *UN Document A/46/596 & S23164* October 24, 1991

573 *Ibid.*

574 Caviasca 2018

575 Reasons cited were age and maintenance costs. Initially replaced by the chartered HMS *Polar Circle*, it would be 10 years before *Endurance* was officially replaced by HMS *Protector.*

November 13th, at the United Nations, the General Assembly; *"... by decision 46/406, took note of the joint statement by Argentina and the United Kingdom and decided to include the question of the Falkland Islands (Malvinas) in the provisional agenda of its forty-seventh (1992) session."* [576]

The President of the General Assembly makes an announcement.

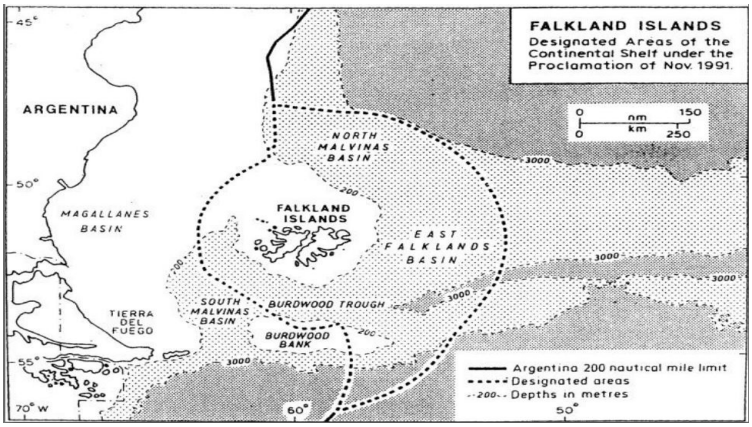
> *"In connection with this item, I should like to call the attention of the Assembly to document A/46/596 containing a joint statement issued in London and Buenos Aires on 25 September 1991 by the Governments of the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic. Furthermore, and taking into account General Assembly decision 45/424 of 12 December 1990, I should like to inform representatives that, following consultations regarding agenda item 39 on the question of the Falkland Islands (Malvinas), it is proposed that the General Assembly decide to postpone consideration of this item and to include it in the provisional agenda of its forty-seventh session. ... It was so decided."* [577]

November 21st, from London, the UK rejects Argentina's law of September 10th. [578]

November 22nd, in Stanley, the Governor issues a proclamation.

> *"... for the purposes of international law, the continental shelf around the Falkland Islands extends ... to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured or to such other limit as prescribed by the rules of international law, including rules for the delimitation of maritime jurisdiction between neighbours... Any rights exercisable over the seabed and subsoil of the continental shelf, including the natural resources thereof, beyond and adjacent to the territorial sea around the Falkland Islands are hereby vested in Her Majesty."* [579]

At the same time the *Continental Shelf Bill 1991* is laid before the Legislative Council. This permits seismic surveying under licences issued by the FIG.



"The proclamation drew an immediate protest from Argentina, which on the same day announced that it would enact legislation claiming its right to the seabed within 200 miles of the Falklands." [580]

"... on November 21, 1991, the British Government, respecting its policy of faits accomplis and unilateral acts, authorized the illegitimate authorities of the Malvinas Islands to grant licenses to private companies to carry out seismic prospecting tasks. The reaction of our country was not long in coming and was expressed on different fronts. One day later, it announced the promulgation of Law 23.968 on the baseline and delimitation of maritime spaces, which could be applied to the disputed area with the United Kingdom." [581]

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576 *UN Document A/46/596 & S23164: October 24, 1991. cf.* 1989 & 2010

577 *UN Document A/46/PV.45.* Original emphasis. Once again, consideration of the question of the Falkland Islands by the UN General Assembly was deferred. *cf.* 1989

578 Romero 2020

579 *Falkland Islands Continental Shelf Proclamation: Falkland Islands Gazette.* See https://falklandstimeline.files.wordpress.com/2021/02/falkland-islands-continental-shelf-proclamation-1991.pdf

580 Churchill 1997 p.468

581 Romero 2020

November 25th, in Britain's House of Lords, the Earl of Caithness makes a statement.

> *"The question of oil in the South Atlantic, specifically in the continental shelf off Patagonia and around the Falkland Islands, has been receiving increasing attention in recent years. Her Majesty's Government have been in contact with the Falkland Islands Government on the matter. Having considered proposals by the Falkland Islands Government, the Secretary of State for Foreign and Commonwealth Affairs has instructed the Governor of the Falkland Islands to take the necessary legislative measures to provide for the exercise of the Crown's rights over the sea bed and the sub-soil of the continental shelf around the Falkland Islands. In addition, an Ordinance known as the Continental Shelf Bill 1991, will be laid before the Legislative Council of the Falkland Islands. Upon entry into force this would allow seismic surveying to take place under licence in designated areas of the continental shelf. Officials from the British and Argentine Governments will meet shortly to explore the scope for co-operation."* [582]

December 9th, in an announcement, Britain and Argentina create a; *"... binational team to analyze forms of mutual cooperation in the exploration and exploitation of the seabed in the South Atlantic."* [583]

"The Argentine representation was chaired by the Foreign Policy Director General of the Foreign Ministry, Ambassador Fernando Petrella; while the British delegation was led by the Deputy Assistant Secretary of the Foreign Office, Adrián Beamish. But this intention was not easy to carry out due to the British toughness which, also on this issue, made rapid progress without caring about the Argentine claims and intentions of "cooperation". The minimum request of our government was to develop joint exploration and exploitation and proposed a series of "bordering" areas between the Malvinas projection and that of the continent. In reality, as in the fisheries issue, Argentina considered that the Malvinas area was specifically the one that should be discussed and Great Britain considered that the relationship should be carried out as if they were two bordering countries that created spaces for commercial partnerships. In other words, as in all cases, for England the "umbrella" was actually a "shield"." [584]

In London, the South Atlantic Fisheries Commission convenes to consider proposals for further cooperation. It is agreed to establish a *'High Level Group*' in an attempt to make progress. [585]

December 20th, from the UK, PM Major's Christmas Message to the Falkland Islands is transmitted.

> *"Democracies understand that governments cannot be imposed and understand our commitment to safeguard your rights. 1991 has also been a good year for the Islands. We have reached important agreements with Argentina, including one reinforcing your security. There has also been the passage of the Bill to permit seismic surveying on the Continental Shelf which could well prove to be a landmark in your economic development."*

582 *Hansard* Lords November 25, 1991 col. WA78
583 Caviasca 2018
584 *Ibid.*
585 *Argentine Malvinas Islands, Kelpers Oil?* Rafael Bielsa 2010

1992 – January 1st, the Falkland Islands Police Force is granted the prefix *'Royal'* by HM Queen Elizabeth II, in recognition of 146 years of loyal service.[586]

January 3rd, there is no communication from Buenos Aires regarding the events of 1833.

On the same day, during a speech in Pinamar, Argentina's President Menem demands that the Falklands sovereignty dispute is submitted to international arbitration.

> *"Diplomacy is a form of continuing the war, but with other arms: like dialogue, arbitrations where possible…. This is what we propose with Britain."*

"President Carlos Menem sought to produce a qualitative leap in the management of the Falklands. Surprisingly, the President announced on January 4 (sic), 1992 that his government wished to submit the conflict over the Falklands sovereignty with Great Britain to an international arbitration tribunal." [587]

January 5th, in Buenos Aires, Britain's Embassy issues a statement.

"The question of sovereignty was put under an umbrella when both governments agreed to resume diplomatic relations. That umbrella remains in place." [588]

"The British response was immediate. ..., the government of Great Britain considered that it was convenient to continue preserving the question of the sovereignty of the Falklands under the formula of the protective umbrella." [589]

Britain's *Observer* newspaper reports Menem's proposal, however the President's office promptly claims that he has been misquoted. [590]

"... no such proposal was ever passed to Britain... Both Guido di Tella in La Nacion on January 10th, and Menem himself, in Clarin on the 11th, confirmed this. According to Menem, the 'error' arose in Pinamar on January 3rd at the birthday of his brother Eduardo. Then, Menem said, he had commented how Argentina was settling its differences with Chile, not Britain, and said that twenty-three frontier disputes had been settled and one submitted to arbitration. This, Menem complained, was then 'interpreted' by a journalist to be a proposal of arbitration for the Falklands dispute. Actually, there is no doubt that Menem had been talking about arbitration of the Falklands dispute. The official text of what he would say in Pinamar had been given to the press the day before. ... Menem had to drop his idea, stop delivery of any formal arbitration proposal, and deny what he had undoubtedly said, because of the rage the idea produced from Argentina's 'Malvinistas' – Gass, Bordon, Caputo, etc. These argued that submitting the Falkland Islands dispute to arbitration implied that it was just a territorial dispute, and might allow the arbitrators to consider the Islanders' wishes." [591]

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586 Founded 1846

587 Mastropierro 2020 citing newspaper *Clarin* January 7, 1992.

588 *Associated Press News* January 7, 1992

589 Mastropierro 2020 citing newspaper *Clarin* January 7, 1992

590 No formal offer was submitted to the UK by Argentina. Menem, as he was inclined to do, was merely playing to the crowd. Over the course of his presidencies, he would often claim to have been misunderstood.

591 *No Interest in Arbitration* Simon Arthur in *The Falkland Islands Newsletter* November, 1992. Raul Alfonsin had dismissed the suggestion of arbitration during his presidency, which preceded Menem.

January 10th, in the Falklands, today is designated as *'Margaret Thatcher Day'* to celebrate her 1983 visit. [592]

A team led by Dr. Robert Philpott, of Liverpool University, conducts an archaeological survey of Jasons Town and Fort George on Saunders Island. [593] Identified in the 1770 Carrington Bowles chart (right) as the western side of the harbour of Port Egmont.

In **February**, a visa system is introduced for the Falkland Islands.

"Called a 'visitor's permit' it is stamped into the traveller's passport before he or she leaves the UK and entry into the Islands is not permitted without one. The bearer is allowed to stay in the Falklands for up to four months.... Visitors from South America must also have the stamp and are provided with forms by DAP officials which they present to customs on arrival. ... A Stanley immigration official said the form, and accompanying declaration required to obtain the stamp, were to stop people turning up in the Islands, expecting to stay indefinitely. ... Before coming to the Falklands, a visitor must declare he or she has sufficient funds for the stay; has a return ticket; will not seek to settle and will not obtain employment. There is also a health clause." [594]

February 14th, at the United Nations, the USA informs the General Assembly that; *"... it had decided to suspend its cooperation with the Special Committee, claiming that (the Committee) had focused on an outmoded agenda instead of new approaches aimed at addressing the specific needs of the few remaining NSGTs."* [595]

"The United Nations Decolonization Committee (The Committee of Twenty-Four) is discredited now. The Falklands are very different to what they were in 1964 too." [596]

February 22nd, in the Falkland Islands, the Archbishop of Canterbury arrives to celebrate the 100th anniversary of the consecration of Stanley Cathedral (right).

February 26th, at Buenos Aires, Falklands Director of Education, Phyllis Rendell, visits as part of a British team.

"The meeting had no set agenda but is an opportunity for the two sides to seek each other's views on last year's continental shelf legislation. Seismic surveys in the South West Atlantic start later this year." [597]

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592 Perhaps appropriately there was no public holiday

593 *An Archaeological Survey of Port Egmont, Falkland Islands* R. A. Philpott 1992. See https://falklandstimeline.files.wordpress.com/2021/02/an-archaeological-survey-of-port-egmont-by-robert-philpott-1992.pdf

594 *Penguin News* February 21, 1992 p.3

595 *The Yearbook of the United Nations 1992 part 4, chapter 1.* Britain had withdrawn its cooperation in January, 1986, Both the UK and the USA, along with others, had left the Committee in January, 1971

596 *No Interest in Arbitration* Simon Arthur in *The Falkland Islands Newsletter* November, 1992

597 *Penguin News* February 21, 1992 p.1

"Addressing the first day's meeting, Mrs Rendell outlined the Islands' progress in setting up a seismic regime, explaining our legislation on the subject, the appointment of consultants and the setting up of a Government group to address oil-related issues. So how did they treat her as an Islander? "Warmly and with respect", she said. "Outside the conference they made a point of talking politely without touching on sensitive issues and always referred to the Falklands as 'the Islands'. But at times during the talks they would use Falklands". Mrs Rendell felt the presence of an Islander certainly helped to establish the Islands as a community in its own right. "Members of the UK delegation went to considerable lengths to ensure that I was consulted on each point" she went on, "and I had every opportunity to represent the FIG point of view". ..." [598]

March 4th, the Argentine newspaper *El Cronista* reports Foreign Minister Guido di Tella as saying that the British have decided to *"play down"* the tenth anniversary of the Falklands War. He says that this is due to a *"powerful lobby"* of British businessmen who want the dispute solved.[599]

The Minister expounds upon his belief that the 'recovery' of the Islands by Argentina, can be achieved *"in a comparatively short time"*.

"Another controversial statement he made was: "The key point to the current state of the Malvinas problem is that Great Britain, for the first time in modem history, places more importance on its interests in Argentina than in holding on to the Islands." ... he pointed out that Argentina was concerned not only for the interest of the Islanders but also "with their fantasies and fears" - although this did not mean acceptance of their right to veto." [600]

"On March 4th, in El Cronista, Guido di Tella actually admitted that only the Islanders could decide what their interests should be! Of course Caputo still presses for 'decolonization'. He can't wait to 'protect' the Islanders' interests." [601]

March 29th, in the UK, the leader of Britain's Labour Party, Neil Kinnock, interviewed by BFBS radio, tells his host that the Falklands can never be 'returned' to Argentina; "*because they were never Argentinean*".

"Asked about the conflicting view's of Labour party members over sovereignty, Mr Kinnock said: "There can't be anything done without the active consent of the people of the Falklands. Too much has been expended; the loyalties are too great, the status is too important for there to be any abandonment of the needs and desires of the people of the Falkland Islands. So in a broad sense there can be discussions about the future status of the Islands but they are all subject to the basic requirement of the security of those Islands, the liberty of the subjects and the view they have about what international relationship they want." ..." [602]

April 1st, in Buenos Aires, *La Nacion* reports that the UK will not be commemorating the 10th anniversary of the Falklands War.[603] In a speech at the inauguration of a replica of the Argentine Military Cemetery, President Menem promises that the Islands will return to Argentina before 2000. Other Argentine Ministers also make statements to the press.

"As long as representatives of the generation that lived through the war are in government, they want nothing to do with us. That's why the ideas about recovering the Falklands by the year 2000 have no basis." [604]

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598 *Penguin News* March 6, 1992 p.1
599 Subsequently identified by the Minister as British Gas and Thames Water.
600 *Penguin News* March 20, 1992 p.7
601 *No Interest in Arbitration* Simon Arthur in *The Falkland Islands Newsletter* November, 1992
602 *Penguin News* April 3, 1992 p.16
603 See June 14, 1992, below. Strangely, the Argentines commemorate the start of the war. The British commemorate its end; as they do for all wars.
604 *Diálogo con el Embajador Lucio García del Solar in Revista de Relaciones Internacionales* 1996 no.11

"The article that appeared in the Clarín newspaper in April 1992 signed by Foreign Minister Guido Di Tella entitled "Now the wishes of the kelpers", opened a counterproductive instance for national interests since our diplomacy always insisted, with the support of the United Nations (Res. 2065 XX), in respecting the interests of the inhabitants, respect for their properties and their way of life. But in the sayings of the highest diplomatic authority, the wishes of the islanders were alluded to. This means independence or maintenance of the colonial situation. ... For the United Kingdom, the issue of sovereignty was settled in 1982 after the battle of Puerto Argentino (Stanley)." [605]

April 2nd, in Argentina, April 2 is declared to be Veterans Day under Argentine law *24.160; "The war is now referred to as "The Gesture of the Malvinas," which makes it appear less important. The 2nd April isn't even the day of the "recuperation" any more. It's just 'War Veterans Day' and Menem's name was jeered when the proclamation of this was read out at Rio Gallegos."* [606]

May 3rd, in Buenos Aires, newspaper *Clarin* reveals that a famous photograph (right) that it and a number of other Argentine journals had published in the days after the 1982 invasion, was fake.

"At 8 o'clock on April 3, 1982, the Joint Chiefs of Staff distribute to the local news agencies a photo in which it was said then that five soldiers were raising an Argentine flag for the first time in the Malvinas Islands. ... It was later discovered that the photo had been prepared before the landing. It was taken on the grounds of the Naval Mechanics School in Buenos Aires."

May 17th, in New York, Islanders attend a conference organised by the *Foundation and Centre for Peace Research* of the University of Hawaii.

In Buenos Aires, the South Atlantic Fisheries Commission meets.

May 19th, in Fairfax, Virginia, a conference entitled *The Falklands/Malvinas Conflict Ten Years On: New Ideas and Approaches* is hosted by the George Mason University's Institute of Conflict Resolution.

"Tony Blake ... thinks these meetings are the first of many that will be arranged by 'do-gooders'." [607]

May 26th, in Argentina, Government advisor, Dr. Carlos Escudé, submits a proposal to Guido di Tella.

"The formula proposed by Escudé is: hardness with respect to the resources of the maritime subsoil, generosity with respect to land and rights and desires of the kelpers. Expressly Escudé (said) that we must adopt the utmost generosity with respect to the Falklanders, (which costs almost nothing) and respect for the right of the kelpers not to be Argentines and, indeed, to be whatever they want be. If eventually they choose to be independent (that's) better: that's what is most in Argentina's interest to induce the British withdrawal from the South Atlantic." [608]

"..., the thesis of Dr. Carlos Escudé, advisor to the Chancellor, was published, proposing the following formula: 1) Recognition of a sovereign Kelper State; and 2) Argentine-Kelper shared sovereignty at sea. These seem to show the following changes in the objectives of Argentine foreign policy regarding the Malvinas issue: 1) The Argentine government began to abandon the exclusive strategy of bilateral and long-term resolution on the underlying issue, ... 2) The Argentine government began to clearly suggest its willingness to accept the

605 Mastropierro 2020
606 *Falkland Islands Newsletter* May, 1992. Veterans Day was not a public holiday, however. See, 2000.
607 *Penguin News* May 1, 1992
608 Bologna 1994 citing *Clarin* July 2, 1992. Following criticism, Escudé resigned as an advisor on June26, 1992

islanders as the third actor in the conflict. 3) Although an attempt is made, on the one hand, to find a solution to the problem of the hydrocarbon and fishing business that does not imply a precedent of implicit recognition of British sovereignty, …" [609]

June 14th, in Stanley, Margaret Thatcher arrives to mark the 10th anniversary of victory in the Falklands War.

> *"Hundreds of islanders greeted the former prime minister as she drove into Stanley, the capital. Cheering children waved British flags."I'd do it again. Look at these children, of course I'd do it again", she told reporters, who asked if she had any regrets about sending Britons to war in 1982 to recapture the British colony in the South Atlantic from invading Argentine troops."* [610]

July 1st, in Britain's House of Lords, a government spokesman answers a question on the Falklands' fishery.

> *"… the issue of licences in the Falkland Islands control zone is decided by the Falkland Islands Government. The revenue from fisheries is doing well. It went up in 1991–92 to some £25 million. The fisheries income is being well used for secondary schools and other necessary needs of the Falkland Islands."* [611]

On British television, *An Ungentlemanly Act*, a BBC film about the early days of the Falklands War, is aired.

July 27th, at the UN, the Special Committee on Decolonization considers the Non-Self Governing Territories.

July 29th, the Special Committee hears the views of Argentina's *charge d'affaires* to the United Nations. No representatives of the Falklands NSGT are present due to advice from the Foreign Office, which had assured them that if they did not attend, then neither would Argentina. The committee accepts a resolution calling for negotiations to be resumed; *"… in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands…"* [612]

From Stanley, the Falkland Islands Government issues a statement.

> *"We feel let down by the Foreign Office which may have been taken in by Argentine lies and accordingly gave us poor advice."*

"In British eyes the Committee of 24 is discredited and out of date and the Foreign and Commonwealth Office has always done its best to dissuade the Falklands from attending. Islanders, however, see it as the only international forum to which they have access. This year, FCO Minister Tristan Garel-Jones came to an arrangement with the Argentines whereby each side agreed not to send a delegation. Confronted with this agreement, councillors reluctantly agreed not to send a delegation – although Cllr Norma Edwards was in the UK and Representative Sukey Cameron was also ready to go. The Argentines, despite the agreement, sent the charge d'affaires from their UN Embassy who spoke to the committee. An FCO spokesman said "We are surprised and disappointed". …" [613]

"A cat and mouse game of diplomacy was enacted at the UN this summer when Argentina went back on its word not to send a representative to the UN Committee of 24 talks where a resolution had been put forward on the Falklands/Argentine issue. Following discussions with the Foreign Office, agreement had been reached that neither the Falklands nor Argentina would send representatives to this Committee on Decolonization.

609 Pereyra & Argento 2016
610 *Los Angeles Times* June 14, 1992
611 *HL July 1, 1992 vol.538 cc769-70*
612 *UN Document A/AC.109/1132.* See - https://documents.un.org/doc/undoc/gen/n92/355/15/img/n9235515.pdf
613 *Penguin News* August 7, 1992

However, despite written assurances, Argentina reneged on its agreement and sent its charge d'affaires who claimed that Argentina would take the Islands by diplomatic means." [614]

August 16th, in the UK, the *Independent on Sunday* newspaper carries a story alleging war crimes committed by British troops during the Falklands War.

"... Vincent Bramley, a former Lance Corporal with 3 Para who fought at Mount Longdon, (in his) book Excursion to Hell described two incidents in which prisoners were allegedly killed. In one, three prisoners suspected of being mercenaries from the United States were said to have been shot, and in the second, two prisoners were put on to a clifftop and shot so that they fell into a burial pit below. Last week, a former captain in Military Intelligence approached the Independent on Sunday with an account that supports one of the allegations. Adrian Weale, who left the Army last year and is now a writer and military historian, told how in 1987 he had met a soldier who described the killing of a prisoner at Mount Longdon. Mr Weale said the member of 3 Para - whose name is known to the Independent on Sunday - told him that he saw a wounded Argentine dragged out of a bunker on top of a small cliff after the fighting and handed to an NCO, who asked an officer what to do with him. The witness alleges the officer pointed to a line of enemy dead at the foot of the cliff and said: "Put him with the others". The NCO, he says, drew a pistol and - despite the prisoner's screaming for mercy and calling for his mother - shot him in the face so that he fell over the edge. Mr Weale said the eyewitness "was shocked by the involvement of an officer in a very blatant murder and was stunned that no action was taken against the NCO"...." [615]

At Stanley, David Everard Tatham arrives to be sworn in as the new Governor of the Falkland Islands.

September 7th – 12th, in Stockholm, Sweden, the 88th Annual Conference of the Parliamentary Union opens. Argentina's delegation, including Eduardo Menem, the President's brother, is in attendance. Eduardo Menem tells the Conference; *"The British Government must collaborate in making [the Islanders] understand that they can't consider themselves, from any point of view, an independent state, but one that must abide by what is agreed between Buenos Aires and London."* [616]

September 19th & 20th, in the UK, at Cambridge, a British/Argentine conference is held. Attended by Islands' Councillors Terry Peck and Norma Edwards. Also the Falklands UK Representative Sukey Cameron, with Lewis Clifton and Robin Elgood of the Falkland Islands Association. [617] Members of the South Atlantic Council are also there, with a number of guests including Felipe Solá. [618] Chairman is retired Admiral, James Eberle.

"Falklands supporters are seldom invited to represent Britain at these conferences, where the Falkland Islands dispute is the underlying theme. At Cambridge, the Islanders politely put their views and listened to the Argentine case... Immediately after it, Argentine delegate Felipe Sola, a Government Deputy, said "perhaps it was a mistake to invite the Islanders". He then called for Argentina to fish the squid shoals before they reached Falklands waters. ... Felipe Sola's remarks confirm the contempt that most Argentine politicians have for the Islanders..." [619]

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614 *Falkland Focus* October 1992

615 *Fresh Claims of Atrocities in Falklands War* in the *Independent on Sunday* August 23, 1992. These allegations, based upon hearsay evidence, resulted in an 18 month investigation by Scotland Yard. Over 400 potential witnesses were interviewed and the final police report was reviewed by the Attorney-General. Seemingly unfounded, no charges were laid against any member of Britain's armed forces.

616 Quoted in Elgood 2025 citing *La Nacion* September 12, 1992.

617 *Penguin News* November 27, 1992

618 Argentine politician. Secretary of Agriculture 1993-1999, Governor of Buenos Aires 2002-2007 & Minister of Foreign Affairs 2019-2021. National Deputy 2007-2019.

619 *A Kick in the Teeth* Peter Pepper in *Falkland Islands Newsletter* June 1993

"In Cambridge the two delegations sat on either side of a long table chaired by Admiral Sir James Eberle, Director of Chatham House. Listening to the Argentine delegates who seemed well intentioned, it was clear how little they knew of the Falklands. They were passionate about the Islands without having troubled to learn about them." [620]

September 20th, at the end of the two-day Conference, Chairman James Eberle produces a "*Joint-Statement*" to be given to the press. Not having been consulted, the Falklands delegation request changes.

"To give our position some strength I said that the Falklands delegates were considered issuing our own statement. The effect was beyond my expectations. The entire Argentine delegation flew into passionate uproar. … At a reception after the conference Admiral Eberle accused me of wrecking his conference." [621]

September 21st, in New York, Argentina's Foreign Minister, Guido di Tella, tells the UN General Assembly; *".. the dispute concerning sovereignty over the Malvinas, Georgia and South Sandwich Islands still persists…"*

September 22nd, the Falkland Islands Government invites applications for seismic surveys around the Islands.

September 25th, a number of Argentine newspapers report that the British Government is inviting Argentine companies to bid for seismic prospecting; the first stage in oil exploration.

"Reports from an Argentine press agency that Minister of State Tristram Garel Jones agreed that Britain and Argentine must work together over the oil prospecting issue have been dismissed as propaganda by the (Falklands) Governor. An Argentine spokesman said that "the British Government is convinced that co-operation must be agreed with Argentina to carry out any prospecting work if hydrocarbons are found in the Islands". Though no statement has been made from London, the Governor, Mr David Tatham said: "This is an Argentine news agency reporting what they would like to believe Britain's policy is – I don't believe that this is the case at all"…" [622]

October 12th, Buenos Airean newspaper, *Clarin,* reports that fishing licences issued by Argentina are to be *"half the price"* and extend, *"twice as long"* as Falklands' licences in an attempt to attract fleets away from the islands.

"By offering cut-price licences to fish Illex with a flagrant disregard for conservation – their licences will operate over seven months instead of the Falklands 90 days – the Argentines have cut the Islands income from this source by, at best £8m and, at worst, £15.8m. Current thinking puts the probable loss at £12m as far eastern vessels withdraw their applications for Falklands licences for those offered by Argentina." [623]

"Three weeks later (after Felipe Solá's *comments in Cambridge) the 'squid war' was announced. Subsequent Argentine press reports have said this is to force them (the Islanders) to accept trade and direct air links with Argentina."* [624]

November 10th, in New York, at the UN: *"The General Assembly decided to consider the item entitled 'Question of the Falkland Islands (Malvinas)' directly in plenary meeting, on the understanding that bodies and individuals having an interest in the question would be heard in the Fourth Committee. As at three previous sessions, the General Assembly on 10 November 1992, decided to* ***defer consideration of the question****… and to include it in the provisional agenda of its forty-eighth session (decision 47/408)."* [625]

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620 Elgood 2025.
621 *Ibid.*
622 *Penguin News* October 2, 1992
623 *Penguin News* November 27, 1992.
624 *A Kick in the Teeth* Peter Pepper in *Falkland Islands Newsletter* June 1993
625 My emphasis. No consideration of the "Falklands Question" for another year. None since 1988.

November 24th, in London, the South Atlantic Fisheries Commission meets.

"The Argentine has issued only 45 fishing licences for Illex squid. It had been expected the figure would be 106. A joint statement to be issued in London and Buenos Aires is expected to conform this and the appointment of 1) A joint Anglo-Argentine sub-committee to study conservation 2) Joint Anglo-Argentine crewing of research vessels. The agreement is also expected to announce an extension to the temporary ban on fishing in the Falklands Outer Conservation zone." [626]

"In his press conference, on 25th of March, Di Tella said … that the limit of 45 on Argentine fishing licences this year was a quid pro quo for an understanding with Britain not to veto the fishing agreement between Argentina and the EEC." [627]

November 30th, Argentina and the EEC negotiate a fisheries agreement.

"On the Argentine side, our country signed the Maritime Fisheries Relations Agreement with the EEC on November 30, 1992 (London tried by all means to prevent this agreement from being approved) which enabled the modernization of the fleet in the Argentine Sea. Due to problems of overfishing and increased illegal fishing near Argentina's exclusive economic zone, the agreement, which had a five-year extension and could be renewed, was not renewed." [628]

December 7th, from the UK, Prime Minister John Major sends a Christmas message to the Falkland Islanders.

> *"Let us hope that 1993 will be a better year for all of us. For you it will I know see the start of the seismic survey which will show at last whether there is oil in commercial quantities in Falklands' waters. We have our fingers crossed for you."*

December 10th, in Buenos Aires, the South Atlantic Fisheries Commission consider a proposal for a joint survey cruise with the participation of scientists during January, 1993.

"Councillors were quick to express concern at the Argentine-UK agreement on fishing. …. Again we waited to be consulted. Again we have been ignored. We strongly insist that parameters of the cruise be set out in black and white and that we have the opportunity to comment. We are determined that the Argentine vessel and crew will not be permitted to enter our waters…" [629]

In the UK, Sir Rex Hunt takes over as Chairman of the Falkland Islands Association from Mike Summers. [630]

December 11th, the British Government announce that contracts for seabed seismic exploration around the Falklands have been awarded to Spectrum Energy & Information Technology Ltd, and GECO-PRAKLA. [631]

626 *Penguin News* December 23, 1992. UK had, apparently, negotiated the number down.
627 *Falkland Islands Newsletter* June 1993
628 Romero 2020
629 *Penguin News* January 8, 1993
630 Elgood 2025
631 *Falkland Focus* January 1993

1993 – in **January**, in Argentina, prior to a visit by Foreign Secretary Hurd to Buenos Aires, press reports suggest that President Menem is seeking a *"de-militarization"* of the Falklands. In response, the British Government issues a statement:

> *"Her Majesty's Government welcomed the Argentine wish for a relationship of confidence and cooperation. At the same time, the United Kingdom was committed to defending the right of the Falkland Islanders to live under a Government of their own choosing..."*

January 3rd, there is no communication from Buenos Aires regarding the events of 1833.

January 5th, in Buenos Aires, Douglas Hurd arrives for a three days visit.

"On the same day that UK Foreign Minister Douglas Hurd reiterated in Buenos Aires that he was not going to discuss sovereignty, Mr. Menem went on TV. He said that by the year 2000 Argentines would be setting foot on the Falklands "without any type of conflict". [632]

"During his time in Buenos Aires, Mr Hurd met with the Argentine President Carlos Menem and the Foreign Minister Guido Di Telia. Bilateral trade was discussed, as were two important Falklands related issues; oil exploration and fishing. In accordance with British policy, sovereignty was not discussed." [633]

January 8th, on his return to the UK, Britain's Foreign Minister is interviewed by the BBC.

"On sovereignty, Mr Hurd said the position was clear. He told the BBC: "The islands are British and the Islanders wish to remain British and we have no doubt about the strength of our position". Talks continued without the question of sovereignty hanging over them. And he regarded that as a big advance. On fishing, Mr. Hurd told Paul Reynolds: "We have got an agreement, which is not ideal, for one fishing season"... Agreement, he said, would be difficult." [634]

January 15th, at Port Stanley, a research ship, *Akademik Shatskiy*, belonging to GECO-PRAKLA arrives to conduct seismic surveys.

January 19th, Gibraltar's Chief Minister, Joe Bossano, visits the Falkland Islands.

"Mr Bossano believes the two communities can help each other and he says he has been able to swap self-help ideas while in the Falklands. ... He saw Argentina and Spain very much in collusion when it came to the Islands and Gibraltar. Their policies were coordinated in each case. During the conflict Spanish state television referred to Britain - a fellow NATO member - as "the enemy". Meanwhile the United Nations had declared that colonialism should end by the year 2000." [635]

January 22nd, in the Falkland Islands, Cunard's *Queen Elizabeth II*, anchors at Stanley. [636]

February 1st, in Britain's House of Lords, in answer to a question by Lord Morris, Baroness Chalker responds.

> "*... our policy on sovereignty remains unchanged. My right honourable friend the Foreign Secretary made clear both before and during his visit that there is no change in our position about sovereignty over the Falkland Islands. ... Certainly the Argentines have been made fully aware yet again that we*

632 *Penguin News* January 8, 1993. It could be argued that that was achieved. Argentines merely had to present their passports on arrival in the British Falkland Islands, and have them stamped with a permit.
633 *Falkland Focus* January 1993
634 *Penguin News* January 22, 1993
635 *Ibid.*
636 Not its first visit. During the 1982 war, this ship had been used as a troop carrier.

have no doubt about British sovereignty over the islands. The Argentine Foreign Minister agreed that the umbrella formula was working satisfactorily. We know that a lot of comment is made by Argentines in order, if one likes, to keep a mental hold on some of the Falkland Islanders. The islanders should not doubt us and neither should they doubt us in our action to seek to bring about the right kind of fishing protection which protects fishing stocks and will continue to give the Falkland Islanders their due income from the fisheries in the region." [637]

February 13th, Argentina and the European Community finalize a fisheries agreement.[638]

"... the agreement appears not to imply any recognition of Argentine claims to the Falkland Islands. Indeed, there is no indication at all in the agreement that one of the parties has a territorial dispute with a member State of the other party;..." [639]

March 17th, Britain indicates that the Falkland Islands government is willing to consider licensing oil companies to operate within Falklands waters.

"In March 1993, (Britain) announced that, through a letter of intent, it had notified the world's largest oil companies that it would open bidding for oil exploration. (Britain) did so unilaterally and for the exploration phase with drilling. ... This call for the exploitation of oil was made through the so-called "letters of comfort." Which guaranteed that if there was oil within the 150-mile area surrounding the Falklands, they could extract it. Argentina sent its response by means of the "letters of discomfort" to the same companies, warning that it would initiate a trial in international tribunals for anyone who extracted oil from that conflict zone without their authorization." [640]

"Argentina seems genuinely annoyed by the UK 'letter of comfort' to the oil companies. In its 'letter of discomfort' to the Seismic company Spectrum, the Argentine Foreign Ministry actually warns that the company could lay itself open to administrative and judicial action if it persists in the exploration or exploitation of the sea area surrounding the Islands. The Argentines say the letter of comfort refers to an area involved in the sovereignty dispute. ... The two governments had not reached an agreement. The Governor, Mr. David Tatham, commented: "It was to be expected that they would reply to form although it is posed in rather strong language". ..." [641]

"... on March 17, 1993, (the UK) delivered Letters of Comfort to the companies that were carrying out the explorations, guaranteeing them that, if oil was found within the 150-mile area surrounding the Malvinas, they would be able to exploit it. On all these occasions, our country made its disapproval heard, sending Letters of Discomfort to the British Foreign Office and to the companies carrying out the exploration, warning them of possible sanctions if they operated in the disputed area without Argentine consent and under possible legal sanctions. Despite this, the islanders moved forward with London's approval in economic feasibility studies and studies on the environmental impact in the area. All these unilateral manoeuvrers increased criticism of Argentine policy towards London." [642]

March 21st, at Stanley, Britain's Secretary of State for Defence, Malcolm Rifkind, arrives.

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637 *Hansard Lords Monday February 1, 1993 vol.542 col.8*
638 See September 20 below.
639 Churchill 1997 p.467
640 Caviasca 2018
641 *Penguin News* March 27, 1993
642 Romero 2020

"The Minister made it clear that, as a proportion of overall defence spending, the cost of defending the Falklands is not high. The UK's annual defence budget is between £23 and £24 billion, whilst just £50 to £60 million is spent in the Falklands." [643]

In London, Argentina's Foreign Minister, Guido di Tella, arrives for an unofficial visit. [644] Unable to arrange a meeting with Sukey Cameron, the Islanders' representative in London, Guido di Tella tells the press that; *"... there would be no reprisal for this refusal."*

"Di Tella protested to Tristan Garel-Jones about the letters of comfort to two seismic companies prospecting off the Falklands. Argentina is known to have wanted a treaty, before exploration started, providing for joint British Argentine exploitation of Falklands Oil, ..." [645]

March 25th, in London, interviewed by the BBC for the 'Calling the Falklands' programme, Argentina's Minister restates his country's claim to the archipelago.

"Although ostensibly a private visit, Dr di Tella met with British Parliamentarians and Falkland Islanders resident in Britain. There was no meeting with official Falklands representatives. During a press conference, Dr di Tella clearly reiterated that Argentina's Falklands ambitions remain unchanged, but said he hoped the perceived benefits of co-operation might lead Falkland Islanders to change their minds. The Minister also expressed his views on the BBC World Service programme, "Calling the Falklands",..." [646]

April 1st, from Stanley, Falkland Islands Councillors respond to di Tella's comments.

> "*We have no desire to be integrated into Argentina whatsoever... but if Argentina were to drop its claim to sovereignty, contact and co-operation between the Islands and Argentina would become possible without the underlying suspicion that they could be used as a cover for another Argentine occupation and eventual absorption"* [647]

"Falkland councillors have replied to Argentine foreign minister Guido di Tella's remarks on Calling the Falklands that his country really wished "the lifestyle of the Islanders to remain unchanged or changed to the extent that they want." Said the councillors: "We heard the same sentiments expressed in the 1970s. .. We wish to state that we are very content with our present lifestyle, of which our loyalty to the British Crown and our desire to maintain our freedom to determine our own future are essential parts". ..." [648]

While in London, Minister di Tella threatens oil companies with legal action if they attempt to exploit Falklands oil without Argentine participation. He also answers the Island Councillors earlier response.

> "*In all our negotiations with the British – whose Parliament will have the last word – we know of the importance that they give to their (Islander) opinions … the old claim for sovereignty has not changed... why should Argentina sacrifice something to favor people who have such an unpleasant image of us."* [649]

April 2nd, back in Buenos Aires, Minister Guido di Tella sends faxes addressed individually to each of the Falkland Islands Councillors.

643 *Falkland Focus* April 1993
644 Guido di Tella's son was studying at Oxford University.
645 *Falkland Islands Newsletter* June 1993
646 *Falkland Focus* April 1993
647 Quoted in *Falkland Focus* April 1993
648 *Penguin News* April 3, 1993
649 Mastropierro 2020 citing journal *Page 5* of May 5, 1993 p.8

"I have read your press statement of 1st April with great interest. I appreciate the fact that you have taken notice of what I said on the BBC programme Calling the Falklands on 25th March. You state that you are quite happy with your present lifestyle and you express loyalty to the Crown. Let me reassure you that any outcome should be compatible with both. You also mention a decision not to get in touch with us at any level unless we drop our claim. This seems to me unfortunate, since a constructive approach by everyone concerned is necessary if we are to tackle successfully our common challenges. In fact, talks between us are inevitable: later this year you will be attending our negotiations with the United Kingdom on fisheries; and there is also the matters of oil and communications.

We are very sure about the sound basis for our claim. Obviously you opinion is quite different. While highly respecting your viewpoint, we are hopeful that someday we shall be able to persuade you otherwise. Indeed, our only means in this problem is our ability to argue, to explain, to convince of the merits of our proposals on practical and commercial issues and, later on, on more substantive and difficult matters. Let me add that we are well acquainted with the Islanders' position about sovereignty. Our recent contacts in London with young Islanders, MPs and other interested people have been very illustrative.

At the same time, I am persuaded that to agree or disagree with us on subjects like fisheries,oil or communications docs not mean that you are giving in on the more substantive question. I am convinced that you have something which is very dear to preserve in today's world. Your community may face inconvenience due to its isolation - which how ever has diminished - but at the same time impresses us as having so many virtues. In our urbanized Western World one sees the continued disappearance of important values and cannot but appreciate and respect your lifestyle, particularly your care to preserve the unique atmosphere of the Islands.

I have seen you are afraid of repeating what started in the 70s and failed in the 80s. History need not and will not repeat itself. Ten years after 1945, the former enemies had a more intense relationship than ours. Furthermore, important changes have recently taken place in the world. The Berlin wall fell, Western values arc gaining increasing acceptance, democracy and freedom are expanding. Even Southern Africa is undergoing a fundamental change and long held policies are abandoned. Argentina has changed no less intensely and unequivocally, for the better.

Compared to problems in other areas, the situation in the South Atlantic doesn't seem either so serious or difficult to resolve. Let us not be afraid of our changing world and let us preserve this as an area of tranquillity and cooperation. Let us transform our region as an example of peace and understanding. Let us cooperate towards a brighter future.

What happened, happened, and nobody can change that. It should not have happened and it will never happen again and this – you know - is our firm commitment. I have taken great care in writing this letter to you. It contains no offers but a proposal of a warm handshake. I hope that sometime in the near future conditions shall be ripe for us to communicate more directly and begin a long walk together." [650]

"Mr di Telia knows the British well, having lived here in exile during the Junta's regime. He has a son at Oxford and has happy memories of his own time here. I was not surprised, therefore, when he readily accepted that no British parliament would seek to impose a settlement of the sovereignty issue on Falkland Islanders against

650 Published in *Penguin News* April 17, 1993

their wishes. He recognised that, if he was to find a solution, it must be one that was acceptable to the islanders. He wanted to hear Islanders' views, particularly the younger generation's, and convince them that the new Argentina was different to the old. … On sovereignty, he said that the Argentines were more interested in territory than people. If Islanders would accept some symbolic transfer of the Islands to Argentina, their lives would remain undisturbed. … So Islanders, there you are. Back to square one. The Argentines are after your hearts and minds again – particularly young hearts and minds. It may be a different Argentina and you may be dealing with more pleasant and reasonable leaders, but the objective is the same as Galtieri's: sovereignty of the Falkland Islands." [651]

April 3rd, in the UK, the *Financial Times* informs its readership that Argentina's National Oil Company, YPF, is in discussion with British Gas regarding a joint oil project just to the west of the median line between the archipelago and Argentina. The *FT* notes that this is also to; *"create commercial ties with Britain that would offset the vocal pro-Falklands lobby in London."*

April 17th, in New Delhi, at an Inter-Parliamentary Union conference, Argentine delegates call for Anglo-Argentine negotiations to take place regarding access to the Falkland islands.

"Senator Eduardo Menem, who led the Argentine delegation said the Falkland Islands meeting should include analysing the joint search for oil, sovereignty of the Islands and "the interests of the Argentine people to improve relations with the Islands' inhabitants". … Senator Hipolito Solari Yrigoyen felt Argentines were being discriminated against because they were not allowed to visit the Falklands. He said flights between the Islands and Argentina should be resumed." [652]

April 28th, from Stanley, Islands' Councillors send a collective response to Minister di Tella's April 2nd letter.

> *"For us it is not the existence of the Falkland Islands which constitutes a problem in the South Atlantic, but Argentina's claims to these Islands. If that claim could be dropped we would indeed see our way forward as neighbours but on a basis of equality and mutual respect. We should add that until such time as this, we have no desire for physical communication links and see no need to establish them."* [653]

May 4th, in London, the Anglo-Argentine Working group on South Atlantic Affairs meets for a two-day round of talks with regard to confidence building measure. [654]

From Buenos Aires, Argentina's Foreign Minister sends a further letter addressed to Falkland Islands Councillors; *"… Apparently you consider that a sort of dividing line exists in our relations, and that this line is whether we have a sovereignty claim or not. I believe that the dividing line is whether we think the agreement on this issue should be the outcome of peaceful negotiations or not. Moreover, in all our negotiations with the British – and their Parliament will have the final say on their side – we are fully aware of the importance they give to your opinions. You should not, in any way, feel threatened. … the age-old claim, asking for recognition of Argentine 'sovereignty' remains unchanged. On this issue there are not two opinions in Argentina…."* [655]

May 7th, Britain declares a maritime zone around South Georgia and the South Sandwich Islands.

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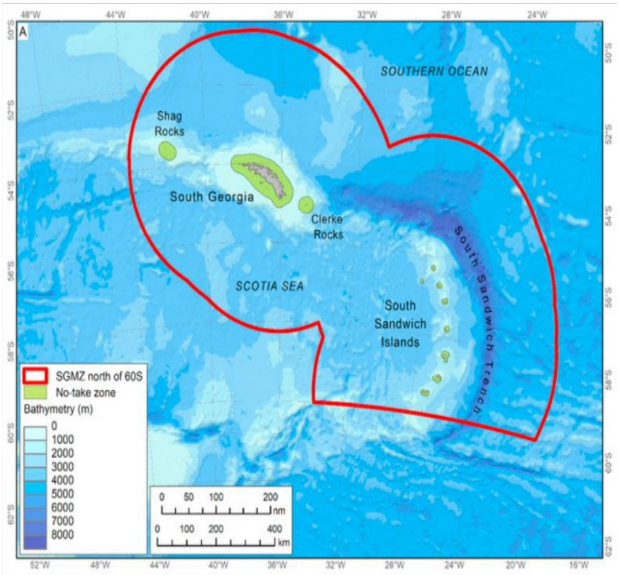
651 Sir Rex Hunt, Chairman of the Falkland Islands Association quoted in *Penguin News* April 17, 1993
652 *Penguin News* May 22, 1993
653 *Penguin News* May 1, 1993
654 *UN Document A/48/266.* The English language version does not include the annex. The Spanish language version does. See - https://documents.un.org/doc/undoc/gen/n93/400/53/pdf/n9340053.pdf
655 Published in *Penguin News* May 8, 1993

"In recent years, Her Majesty's Government has become increasingly concerned about the conservation of marine resources around South Georgia and the South Sandwich Islands in the South Atlantic, which is a British Dependent Territory. Until 7 May this year, the Crown's sovereignty and jurisdiction around South Georgia and the South Sandwich Islands extended to the 12-mile limit of the territorial sea. For waters beyond this, we had relied solely on the work of the Commission created by the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), a component of the Antarctic Treaty System. This depends on flag State regulation and policing to apply conservation measures decided by consensus amongst the 22 members. ...



Although CCAMLR has provided timely and much-needed protection for commercially-fished species, we are concerned that nevertheless fish stocks have been depleted. Moreover, infringements of CCAMLR regulations have grown. The need to reinforce conservation arrangements in the area for which Her Majesty's Government is responsible is clear. Accordingly, Ministers decided to strengthen conservation and management of marine resources around South Georgia and the South Sandwich Islands by the introduction of national measures.

These measures are intended to supplement, not replace, the role of CCAMLR and are of course fully compatible with it." [656]

A Proclamation is signed by Commissioner for South Georgia and the South Sandwich Islands, David Tatham.

"1. There is established for South Georgia and the South Sandwich Islands a maritime zone having as its inner boundaries the outer limits of the territorial sea of South Georgia and the South Sandwich Islands and its seaward boundary a line drawn so that each point on the line is 200 nautical miles from the nearest point on the baselines defined, in the case of South Georgia, in Article 3 (3) and (4) and the Schedule to the South Georgia and South Sandwich Islands (Territorial Sea) Order 1989 and, in the case of the South Sandwich Islands, in Article 3(1) and (2) of that Order.

2. Any rights exercisable over the waters of the maritime zone and its seabed and subsoil, as well as the natural resources thereof (whether living or non-living), are hereby vested in Her Majesty.

3. In regard to the maritime zone, Her Majesty will exercise jurisdiction in accordance with the rules of international law over the exploration and exploitation and the conservation and management of the natural resources (whether living or non-living) and over the protection and preservation of the marine environment, subject to such provision as may hereafter be made by law for such matters.

4. This Proclamation becomes effective forthwith." [657]

"The new zone will include fisheries, seabed and environmental jurisdiction. Local fishing companies' reaction was "better late than never"." [658]

656 *UN Document A/48/167*
657 *Proclamation (Maritime Zone) No.1 of 1993(1)*
658 *Penguin News* May 8, 1993

Argentina responds.

> *"The Argentine Government strongly rejects this measure, reaffirms the legitimate rights of sovereignty of the Argentine Republic over the South Georgia and South Sandwich Islands and recalls that these territories form part of the dispute concerning sovereignty which the United Nations recognizes and is keeping under consideration. …*
>
> *It should be recalled that more than 20 years have elapsed since the Argentine Republic extended its jurisdiction and sovereignty over the maritime spaces adjacent to Argentine territory, including these islands, in accordance with international law."*[659]

May 12th, the UK issues a further statement.

> *"The Argentine Republic has … reasserted its purported claims in respect of South Georgia and the South Sandwich Islands and the waters surrounding those Islands. In enacting its Law No. 23968 in November 1991, the Argentine Republic repeated those claims to jurisdiction over the maritime areas concerned over which the United Kingdom has sovereign rights in international law. Her Majesty's Government does not accept such Argentine claims.*
>
> *We have no doubts about our sovereignty over South Georgia and the South Sandwich Islands and our consequent entitlements to maritime jurisdiction in accordance with international law around that territory."* [660]

June 18th, back in London, Minister di Tella, takes calls from Islanders on the BBC's 'Calling the Falklands'.

"The BBC World Service's twice-weekly programme "Calling the Falklands", made history on 18 June, when the Argentine Foreign Minister, Guido Di Telia, visited the London studios to answer direct questions via satellite from the Islands. Three Islanders spoke to Dr Di Telia, with conversations revolving around sovereignty and fisheries. On the former subject and in reply to a question from Jennifer Jones in Stanley, the Minister said that a change to Argentine rule would have little or no effect on the way of life, but added "we want our rights, our sovereignty rights, to be recognised". From the Islands, Sam Miller reminded the Minister that "we know of nothing else but democracy and what it means, and the right of self-determination". The Minister replied "self-determination is an adequate principle but for other situations, not for this particular situation". Questioned by Stuart Wallace, the Minister agreed about the importance of establishing a protocol to control the exploitation of fish stocks which straddle both countries economic zones." [661]

"Only three islanders talked to the Argentine foreign minister. The islands' councillors rejected the telephone discussion. Two of the callers questioned Argentina's ability to respect and maintain democracy. The headline in the 19 June edition of Port Stanley's Penguin News quoted one caller saying the essence of the phone-in was that they should 'be free to differ.'…" [662]

"Foreign Minister Guido di Tella expressed his "emotion" at having become the first high-ranking official of the Argentine government to maintain direct dialogue after the southern conflict with the inhabitants of the Falkland Islands, who warned that (Argentina's) intention of not recognizing their "self-determination, violates elementary democratic principles" …" [663]

659 *UN Document A/48/162*
660 *UN Document A/48/167: Letter dated 12 May, 1993 … to the Secretary-General*
661 *Falkland Focus* July 1993
662 *The Independent* August 11, 1993
663 Mastropierro 2020

June 25th, in Vienna, the World Conference on Human Rights adopts a declaration recognising; *"... the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination."*

July 12th, an Anglo-Argentine declaration on military confidence building measures in the South-West Atlantic is announced; including – a direct communication system between the military authorities in Comodoro Rivadavia and Ushuaia and those in the Falkland Islands; a mechanism for advance communication of the approach of military vessels to the coasts controlled by the other party; security measures for air and naval units operating nearby; the exchange of information and the coordination of activities in cases of search and rescue at sea; the provision of sea-related information by the British to the Argentines, who oversee Naval Area 6 for the International Maritime Organization. Agreement is also reached on the control of air traffic, as Mount Pleasant airport reports to the Comodoro Rivadavia Flight Information Region, in pursuance of International Civil Aviation Organisation rules. [664]

July 14th, in Britain's House of Commons, a question is put.

"Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs what response he has made to President Menem's suggestion that the flags of Britain and Argentina should both fly over the Falkland islands. (Responding) Mr. Heathcote-Amory: We have received no such proposal from the Argentine Government. The Falkland Islands are British territory and will remain so. The only appropriate flag is the Union flag."

In New York, the UN's Special Committee on Decolonization commences its annual consideration of the Falkland's question. Representatives from the Falkland Islands are present. Before the committee, Councillor Terry Peck dismisses Argentina's claims to sovereignty as being, *"... illegal and ill-founded,"* while Bill Luxton demands that if the Committee is to adhere to the principle of self-determination; *"... it must support the Falkland Islanders."*

Venezuela introduces a draft-resolution calling for renewed negotiations on the issue of sovereignty. Argentina's Foreign Minister addresses the Committee.

"He noted that various General Assembly resolutions, particularly resolutions 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, and 37/9 of 4 November 1982, had recognized that there was a sovereignty dispute between Argentina and the United Kingdom and had established that it must be resolved by negotiations, taking into account the interests of the population of the Islands. Argentina considered that the dispute must be resolved in conformity with paragraph 6 of General Assembly resolution 1514 (XV) of 14 December 1960, which granted pre-eminence to the principle of territorial integrity in the decolonization of territories that previously belonged to a State. .... Argentina's desire was that the islanders would one day change their minds on the substantive question as that would have a considerable impact on the position of the United Kingdom and significantly increase the chances of finding a satisfactory solution." [665]

Venezuela's draft-resolution is adopted by consensus. [666] Statements by the permanent representatives of Papua New Guinea, Sierra Leone and Trinidad & Tobago, confirm that they would have preferred the inclusion in the text of specific references to self-determination.

664 Notified to the UN Secretary-General on July 13, 1993 in *UN Document A/48/266*

665 *UN Document A/AC.109/1198*

666 In order to vote, a UN Member State must be up-to-date with its payments to the organisation. Few are, hence an increasing preference to adopt by consensus.

"Three countries at the United Nations Committee of 24 (decolonisation) on Wednesday expressed strong reservations on the lack of reference to self-determination in a draft resolution which was passed without vote. Trinidad and Tobago, Sierra Leone and Papua New Guinea suggested that self-determination should be taken into account at next year's meeting. … A report from New York commented that Councillors Terry Peck and Bill Luxton presented strong cases for self-determination of the Falklands, going on to say that two Argentine petitioners of Falklands descent (Juan Scott and Alejandro Betts) addressed the Committee but failed to impress."[667]

July 23rd, from London, a Fisheries Conservation and Management regime is set up around South Georgia and the South Sandwich Islands (SGSSI). Fishing in the zone north of 60° south will be allowed only by vessels having a SGSSI licence.

"Britain, says Argentina's Foreign Minister Mr. Guido di Tella, "will pay a very high price" for introducing the new fishing licence scheme off South Georgia and the South Sandwich Islands. However, the Argentines have failed to say what the price would be or how they proposed to exact it." [668]

July 24th, in New York, a British delegation attends a UN Conference on 'Straddling Fish Stocks and Highly Migratory fish stocks'. Among the delegation is an Islander accredited as 'John Barton (Falklands)'. Argentina protests. [669] The UK responds; *"I have the honour to confirm that the correct entry for Mr. John Barton in the list of delegations to the Conference 1/ is as follows: "Mr. John Barton, Director of Fisheries, Falkland Islands"."* [670]

July 26th, Buenos Aires newspaper *Clarin* reports that the Foreign Ministry is considering a proposal that the Falklands enter into a Free Association agreement with Argentina. Guido di Tella tells the press; "*I conceive the creation of a jurisdiction that has special attributes within the unequivocal Argentine sovereignty…"*

"Principle VI: A Non-Self Governing Territory can be said to have reached a full measure of self-government by - (a) Emergence as a sovereign independent State; (b) Free association with an independent State; or (c) Integration with an independent State." [671]

August 11th, in the UK, the *Independent* newspaper publishes a piece by author Andrew Graham-Yool under the title – *Argentina may try to buy out Falklands: Each islander could be offered 475,000 pounds.*

> *"Argentina's government is considering offering the inhabitants of the Falklands Islands between 600,000 dollars and 700,000 dollars (475,000 pounds) each in compensation to buy an end to their long-standing opposition to the long-term transfer of sovereignty to Argentina."*

An article by economist Sir Alan Walters follows the editorial comments.

> *"Britain is spending between 100-200m dollars a year in fortifying against another invasion. I am inclined now to think that a sum of 100,000 dollars per capita (should be offered by Argentina to the islanders if it) wished to ensure gaining sovereignty. … The British Foreign Office would tend to shrug off any such proposals – after all the status quo is peaceful and it avoids any of the emotional*

667 *Penguin News* July 17, 1993
668 *Ibid.* August 14, 1993
669 *UN Document A/CONF.164/L.35*
670 *UN Document A/CONF.164/L.36*
671 UN Resolution *1541 (XV)* of 1960. A term undefined by the UN, but which, depending on the details, is independence with conditions. Free association with the UK was only available up until the Anguilla crisis of 1967; after which the UK government concluded that the option was too fraught with difficulties and that it would not offer such an arrangement thereafter. As this consideration by the Argentine Foreign Ministry did not come to anything, it seems likely that they came to the same conclusion.

trauma that would accompany, inevitably, I fear, a transfer of sovereignty,.. And the last thing Major wants, after all the gaffes of the last six months, is yet another hot potato on his plate." [672]

"Possible Argentine plans to buy out the Falklands by giving £475,000 each to all the Islanders were treated with laughter and derision in both Camp and Stanley yesterday." [673]

"Islanders have a vision for themselves, a national identity, that is overlooked systematically by Menem's government and also now by Mr. Alan Walters proposal of buying them out ... Because Argentines delude themselves with their high self-image, they think that they can delude others. ... Di Tella's declarations that "it's a bit strange that they don't want to visit us", smacks of naivete. You don't want to visit the land of a people that invaded you, put your families and lives in danger pursuing their own purposes and never apologized afterwards! ... Sadly, Argentina tends to show herself as if her government can decide what is best for the Islanders, which is patronising first and impinging upon their rights secondly. And this is the core of the cultural difference ..." [674]

"I would like to mention briefly the recent insulting and distasteful bribe by the Argentine Foreign Minister when he offered a huge sum of money to Falkland Islanders if they would agree to the transfer of sovereignty to the Argentines. I wonder how the Argentine poor living in the slums of Buenos Aires will react when they hear that their Government plans to give away half a million pounds each to a community whom they regard as second-class citizens. Even if they were able to secure the consent of their people to this distasteful plan, where do they propose to find a sum of money approaching £1 billion?" [675]

"Di Tella met Walters in London, the idea was adopted by the Argentines and formally proposed by President Menem in 1994." [676]

September 20th, both Argentina and the EU ratify the fishing agreement reached in February; allowing for 30,000 tons of squid to be taken by European vessels in the Argentine fishing zone but not from waters subject to the Argentine-British agreement. An article in the *Clarin* newspaper suggests that this *"buries"* any chance of a deal between the EU and the Falkland Islands.

"Although as many as 20 Spanish trawlers, or more, are expected to start operating in Argentine waters as a result of the deal, local companies expect the impact on the Islands to be limited." [677]

October 18th & 19th, in Buenos Aires, following two days of talks, the South Atlantic Fisheries Commission announces an agreement allowing Argentina to take 220,000 tons of squid, up from 130,000 tons, and to license a total of 80 foreign vessels. The Falkland's have the right to take 150,000 tons, but with no limit on licenses.

"... the outcome for the Islands economy in the short-term was acceptable. Projected Government revenue from the industry during the 1993/94 financial year is estimated at £15 million; considerably less than has been earned in previous years, but better than anticipated in some pessimistic scenarios. ... Argentine licences are priced at significantly less than the market value, which suggests that the Government is more interested in attracting foreign vessels and money away from the Falklands than establishing a viable and sustainable

672 Sir Alan Walters quoted *The Independent* August 11, 1993 citing *The Buenos Aires Herald*. Former economic adviser to Margaret Thatcher, Walter's article had been written in April, but held over until August. See also June, 1953 & May/June 1995

673 *Penguin News* August 14, 1993

674 *Patronising Islanders is insulting – Argentine* in *Penguin News* September 4, 1993 citing an article in the *Buenos Aires Herald* by Nora Femenia of John Hopkins University

675 Falklands Councillor Bill Luxton speaking before the UN Special Committee on Decolonization July 12, 1995

676 Elgood 2025. See 1994, below.

677 *Penguin News* September 18, 1993

industry. The opening of the Falklands Outer Conservation Zone, a band ranging from 70 to 130miles beyond the 150 mile economic zone, has been in the Falklands favour. This area, previously unfished, is of great interest to the fleets, and has resulted in a marked improvement in licences sales." [678]

November 3rd, the first Argentine passport holder to enter the Falkland islands since 1982 is air-lifted into Stanley following an accident aboard a fishing vessel. [679]

In London on a 3-day visit, Argentina's Foreign Minister, Dr. Guido di Tella tells the press that he has explained his proposals for some sort of special status for the Falklands with the Islanders' lifestyle guaranteed by Britain, Argentina and a third country. Prime Minister John Major responds that it was up to the Islanders to decide any matters regarding sovereignty. Guido di Tella also visits the Aland Islands.

"Another idea that Di Tella had in mind for a peaceful solution to the dispute with the United Kingdom over the Falkland Islands was to follow the example of the Aland Islands, a territory disputed between Finland and Sweden. After the end of the First World War, the League of Nations handed over sovereignty of the Aland Islands to Finland but recognised the right of the islanders to maintain their language, their cultural identity and their Swedish way of life. The resolution of this sovereignty conflict caused such enthusiasm in Di Tella that he himself travelled to that territory in November 1993 to obtain first-hand information and to gain insights that could be used in the Malvinas controversy." [680]

November 16th, at the UN, the General Assembly defer the question of the Falklands for another year.[681]

November 24th, in London, Britain's Foreign Secretary addresses a Dependent Territories conference - '*Progress through Partnership*'. [682]

" Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, outlined the policy of the Government of the United Kingdom with regard to its dependent Territories. Mr. Hurd noted that the world had changed so dramatically that the pressure to decolonize, which had been so strong, had become more complicated. The assumption that the granting of independence was the only way to make progress had evaporated. ... According to the Secretary of State, the concept of statehood or independence had changed and, in that connection, some Territories had exercised their right not to press for independence. Some Territories were too small to be viable, even by today's terms; others could not "support" the expense; and yet others had powerful neighbours and felt the need for protection. ... The Secretary of State made it clear that there was no doubt about his Government's sovereignty over its dependent Territories, the basis for which was not just legal. All the United Kingdom Dependent Territories were British because they wanted to be. They had the right to self-determination and had all determined that they should be British. The manifestation of the right to self-determination varied with the circumstances, but the primary principle was that no Territory remained British against its will." [683]

In **December**, in his Christmas Message to the Falklands, PM John Major says that the central plank of British policy was one of; *"... resolute, unflinching support for self-determination."*

678 *Falkland Focus* December 1993
679 *Penguin News* November 6, 1993
680 Romero 2020
681 *UN GA Decision 48/408.* I can find nothing being said upon this subject before the General Assembly in plenary session, suggesting that it had already become a paper exercise. *cf.* 1989 & 1990
682 Hosted jointly by Gibraltar and the Falkland Islands,.
683 *UN Document A/AC.109.1180* April 18, 1994 from para.29

1994 – January 3rd, in Buenos Aires, on the 161st anniversary of the lowering of their flag at Puerto Louis, Argentina issues a press release that starts; *"Upon the completion of yet another year of British occupation of the Malvinas ..."* [684]

January 5th, Argentina's President Menem instructs his Foreign Ministry to accelerate efforts in relation to the clearing of land mines in the Islands. [685]

> *"Councillors have given the British Government the go-ahead to explore the Argentine offer to finance the clearance on an estimated 30,000 mines on the islands. Argentina proposes to pay an independent third country to clear the 117 minefields charted in the islands. The project could run into millions of dollars, $5-6m being considered a conservative estimate, and could take several years to complete."* [686]

"... thus demonstrating willingness to facilitate a solution of all problems relating to the question and to develop a growing dialogue with the inhabitants of the territory." [687]

"... Chancellor Guido Di Tella received precise instructions ... to accelerate efforts related to the offer made to Great Britain for the removal of anti-personnel mines. The chancellor explained that the offer is a consequence of the position held in the United Nations, not only in favour of the suspension of the placement of anti-personnel mines but in favour of the interruption of their manufacture. This news was received with a positive spirit in the islands, due to the serious problems generated by the detection of plastic mines." [688]

At Stanley, five members of Chile's House of Representatives visit as guests of the Falklands Government.

January 18th, the Treaty of Tlatelolco is finally ratified by Argentina; 26 years after it was signed. [689]

February 9th, in London, during a House of Lords debate, Lord Brain of Wheatley addresses the House.

> "*My message to this House is that we in this country should cease to think of the dependent territories as a problem, or even an irritation. We should see them wherever possible ... as an asset in developing new resources not merely for themselves and this country but for the whole world. I respectfully suggest that the Government should set up an expert inquiry into the possibility of developing the undoubted resources of the Falklands, and to see what can be done to develop the manpower resources of St. Helena and possibly some of the smaller islands in the West Indies."* [690]

In **March**, arriving in Stanley, an All-Party Defence Study Group of British Parliamentarians visits the Falklands.

March 16th, in London, during a defence debate in the House of Lords, Liberal Democrat peer, Lord Mayhew raises the question of the Falkland Islands. [691]

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684 The first since 1988.

685 Notified to the UN Secretary-General on February 17, 1994. See *UN Doc A/49/76*

686 *Penguin News* January 8, 1994. It was not until 2020 that the last minefield was declared safe. Argentina did not contribute to that process, either financially or otherwise.

687 *Letter dated 17 February, 1994 from the representative of Argentina ... to the Secretary-General* quoted in *UN Yearbook 1994*

688 Mastropierro 2020 citing newspaper *La Nacion* January 9, 1994

689 More commonly known as the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. Opened for signature in February, 1967; entering into force April, 1969. During the 1982 Falklands War, Argentina complained bitterly about a suggestion that UK forces had nuclear weapons in the South Atlantic despite not having signed the accords itself.

690 See - https://api.parliament.uk/historic-hansard/lords/1994/feb/09/the-dependent-territories

691 *Hansard: Lords:16 March 1994:Lords Chamber cols.291-292.* Christopher Mayhew, Baron Mayhew of Wimbledon. Liberal Party spokesman on Defence. See - https://hansard.parliament.uk/Lords/1994-03-16/debates/8a92c3be-c937-4fa9-8e01-b0757cfcb1eb/Defence

"At present the cost is formidable and the future cost will be still more formidable. According to the Defence White Paper, we have permanently stationed there an infantry group, an engineering field squadron, a squadron of the RAF regiment with supporting services; submarines, frigates, Chinooks, Sea Kings, Tornados and Hercules. The direct cost of protection is bad enough, but much heavier is the cost of the reinforcement capability which the White Paper says is necessary. The future cost will be still more.... the question remains: will the centuries-old conflict over sovereignty ever go away? Unfortunately, there is no reason whatever to suppose that it will. Even today, in comparatively calm conditions, a democratically elected Argentine president feels obliged to declare that the islands will be Argentinian by the end of the century.

I remember the ferocity with which, 30 years ago, speaking by invitation to the Argentine Parliament, I was assailed with shouts of: "Give us back the Malvinas". However irrational it may be, for the Argentinians the claim is a deep-rooted issue of national pride and it will not go away. I said that the claim was irrational, but we have to remember that while the world community supported us against the Argentine aggression, it opposes us on our legal claim to sovereignty and urges us to negotiate. The Government not only refuse to negotiate, they now seriously offend the Argentinians by excluding them from the early stages of oil exploration... They refuse negotiation, simply pledging themselves to enforcing without time limit the wishes of the islanders. "Without time limit" - that is the point. ...

I believe that that goes too far. We have strong obligations to the islanders and we have fulfilled them at enormous cost. But they have obligations to us, too, in return. Thus, a defence review which seriously tried to match future resources with future commitment would say that Britain must start creating conditions now for a slow and honourable withdrawal from our Falklands commitment." [692]

April 2nd, in Buenos Aires, demonstrations call for the punishment of British *"war crimes"* during 1982.

"Carlos Menem's claim that former Prime Minister, Margaret Thatcher, should be extradited to Argentina to be tried for war crimes, has been ridiculed by the British press. The President wants to see Mrs. Thatcher face charges over the sinking of General Belgrano in 1982 when 323 men died. Menem likened it to former Nazis being made to stand trial after World War II, ..." [693]

April 9th, at Stanley, Britain's Foreign Secretary, Douglas Hurd, arrives for a visit.

"At a press conference ... Mr. Hurd, said that it was now perfectly clear to the islanders, to the Argentines, and to everyone else that the United Kingdom upheld its sovereignty of the Falklands. British sovereignty, he continued, rested on two very strong foundations: the wishes of the Falklanders and the protection of the British armed forces.

As regards future contacts with Argentina, ... He had found strong feelings against contact with Argentina among people of all ages and considered that these were understandable in view of what had happened 12 years ago. However, it was not his business to come from London and tell the islanders what to do; they would have to make up their own minds." [694]

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692 30 years? Christopher Mayhew MP was a Labour Party spokesman on foreign affairs in 1964 (January – October). Minister for the Royal Navy from October, 1964, following the Labour Party's success in that year's general election. Joined the Liberal Party in 1974. Elevated to the Lords as Baron Mayhew of Wimbledon in 1981. How he came to be in Argentina addressing that nation's 'Parliament" in 1964 eludes me.

693 *Penguin News* May 21, 1994

694 *UN Yearbook 1994.*

"About 40 people were unable to get into Saturday's public meeting when the 150 or so lucky ones who did get in heard UK Foreign Secretary Douglas Hurd say there was no need for him to discuss sovereignty … "Because you know, I know, we all know that these Islands are British and will stay so. And we have not done, and will not do, anything which raises questions in anyone's mind about sovereignty. The issue, so far as we are concerned, has been settled. It was settled in a conflict. It was settled 12 years ago. We fought to sustain the wishes of the Islanders to remain British and we would do so again."…" [695]

May 4th, back in the UK, Douglas Hurd answers questions in Parliament. Regarding Falklands oil he says; *"We have not excluded co-operation with Argentine interests in this, but it is clear from our general policy that any arrangements of that kind must not prejudice our sovereignty over the islands."*

June 5th, in London, Argentina's Ambassador Mario Cámpora gives an interview to Argentine newspaper *Pagina 12*. He tells the journalist that, as regards oil, there can be no formula of cooperation with the UK that does not involve recognition that any oil belongs to Argentina; *"… we should not give too much importance to the role of the Islanders. The Ministry of Foreign Affairs has set itself the goal of persuading them and that is why it sends propaganda. But they don't want it, they are unpersuadable."* [696]

June 6th, the Anglo-Argentine South Atlantic Fisheries Commission meet in London.

June 10th, on its Day of Affirmation, Argentina sends a letter to the UN recalling; *"… 165 years (of) the establishment of the Political and Military Command of the Malvinas Islands and the Atlantic Ocean islands off Cape Horn, the Argentine Republic's exercise of effective sovereignty over the southern territories and maritime areas. That exercise of sovereignty, which was contemporary with the birth of Argentina as an independent country, was interrupted by force in 1833."* [697]

June 12th, in Argentina, newspaper *Clarin* reports that the government is considering, once again, the payment of compensation to the Falkland Islanders in return for them agreeing to a change of sovereignty.

"Considerable excitement seems to have been caused in the Argentine media by Foreign Minister di Tella's recent statement in London that he would consider paying compensation to Islanders to accept Argentine sovereignty. … The offer, which does not seem to have caused much excitement in the Falklands is not new; in fact it may assume the status of an annual event as in August of last year, the Buenos Aires Herald revealed the existence of a scheme to end the sovereignty dispute for once and for all by giving each Islander up to $700,000. At the time, Penguin News conducted an extensive survey and could find no takers; indeed the offer was greeted with a certain amount of laughter and derision. This time, although di Tella has not named a figure, he has implied that it would be substantial. The inference is that he has raised his bid, so will we have any takers?" [698]

"Foreign Minister Guido di Tella told the London Financial Times newspaper that: "We want to be very respectful of the 2,000 inhabitants. They have lived there for a long time, they have a special way of life and, if necessary, we are willing to consider monetary compensation for the psychological disturbance of handing over sovereignty. That way out, nevertheless, it is a remote possibility since there is still a long way to go to reach a situation of this nature "…" [699]

695 *Penguin News* April 16, 1994
696 *Pagina 12* June 5, 1994
697 "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector."
698 *Penguin News* June 18, 1994
699 Quoted in Mastropierro 2020

Longstanding Chairman of the lobby group, the UKFIC, and the Falkland Islands Association, Eric William Hunter Christie is given the Freedom of Stanley. [700]

"He had been the key figure in preventing the Islands being given to Argentina against the wishes of the Islanders." [701]

In **July**, Argentina and the UK agree to request the assistance of the USA in removing mines laid in the Falklands during the war of 1982.

Britain's military leaders meet with their Argentina counterparts; *"(For) military-to-military discussions, communications and confidence-building measures as envisaged under the South Atlantic Working Group."* [702]

July 11th, in New York, at the UN, the Special Committee on Decolonization commences its annual consideration of the Falklands. Representing the territory's people are Councillors Bill Luxton and Wendy Teggart. [703]

"Councillor Wendy Teggart began her speech by introducing herself as a sixth generation Islander, the mother of six children with an eight year-old granddaughter who was the first eighth generation Islander – of whom there are now a growing number. Her ancestors arrived in the Falklands in 1842 with Governor Moody and just over two years ago 300 of their descendants met to celebrate 150 years in the Falklands. It was 150 years ago this week that her great-great-grandfather, then 14 years old, raised the British flag at Government House in Stanley - the then new capital of the Islands." [704]

July 12th, addressing the Special Committee, Bill Luxton asks that the draft-resolution, proposed by Venezuela and about to be put before the committee, expresses *"as an essential principle,"* the right to self-determination for the people of the Islands. Argentina's Foreign Minister, Guido Di Tella, tells the Committee.

> *"The right to self-determination does not apply to the inhabitants of the islands, as the General Assembly reaffirmed in its voting on 27 November 1985.*[705] *To assert otherwise would be to recognize the validity of an originally illegitimate act, because the mere passage of time cannot generate rights for an occupying Power or its subjects installed in a foreign territory who have displaced the local inhabitants by force. Since 1833, Argentines have been prevented from moving freely to the islands or becoming landowners there, which has strengthened the islanders' isolationist attitude towards the mainland."* [706]

Towards the end of his speech, Minister di Tella considers the Islands people.

> *"The General Assembly and the Decolonization Committee resolutions clearly establish that Argentina and the United Kingdom are the only parties to the dispute. The Islanders do not enjoy a similar status, but their influence has an impact on both the British Government and, in particular, its Parliament, ... Argentina takes this fact into account when it addresses the need for a settlement of the controversy. We do so because we realize that it would be objectively unthinkable to approach this issue without taking into consideration its human dimension.*

700 For a biography, see - https://www.falklandsbiographies.org/biographies/christie_eric
701 Elgood 2025
702 *UN Document A/65/689 (2010)*
703 *UN Yearbook 1994*
704 *Penguin News* July 16, 1994
705 An inaccurate interpretation of the events in 1985 when Britain had proposed two amendments to the General Assembly resolution of that year (40/21). See 1985 above.
706 *UN Yearbook 1994*

Therefore, while not conceding any veto power to the Islanders, we intend to gain a better understanding of their lifestyle and their viewpoints in order to reach agreements for the benefit of all concerned. … The establishment of direct links with the Islanders is central to our policy on this matter." [707]

Papua New Guinea's member of the committee, also speaks.

"My delegation will continue to support and encourage our Argentine brothers and our British friends to continue to seek a solution through peaceful means. However, the question we raised previously, when this matter was considered in 1993, relates to the fact that the draft resolution, as it stands, misses a significant element of the issue – namely, the element of self-determination that is being raised by the Island's population. … While the resolution as it stands deals with the question of territorial sovereignty, it misses the question of self-determination for the sixth generation of the island's population, whose views and opinions may not have been considered…" [708]

Venezuela's draft-resolution is adopted by the Committee by consensus (without a vote).

"The Committee adopted a resolution requesting Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute." [709]

In explanation of their position, Fiji's committee member questions whether the Special Committee on Decolonisation is the correct forum to consider an issue that involves a sovereignty dispute. The member for Sierra Leone states that *"serious consideration"* should be given to the interests of the Islanders and that, in the future, some reference to self-determination should be made in the draft-resolution.

July 13th, Buenos Aires newspaper, *Clarin,* refers to the comments by Papua New Guinea and Fiji as an *"implied criticism of Argentina."*

July 18th, a British and Argentine Joint Press Release announces a partial reformulation of the military confidence-building measures. [710]

July 23rd, in the Falklands, *Penguin News* reports:

"Under the headline, 'Sovereignty Yes, Kelpers No' one Argentine paper last week claimed that Di Tella had asked for the insertion of a clause in the new constitution, which would guarantee that Falkland Islanders could continue to drive on the left and study and speak in English, even after the islands had been "recovered". Under pressure from Senator Menem and fellow hard-liner on the sovereignty dispute, Ambassador to Britain, Mario Campora, Dr. Di Tella had been forced to give way and accept a clause in which Argentina continues to claim what it calls "its legitimate rights of sovereignty" over the Falklands. Apart from ratifying the sovereignty claim over the Falklands, South Georgia and the other island territories in the South Atlantic, the final form of words for incorporation into Argentina's new constitution, disappointed Dr. Di Tella's aspirations, by making no mention of the Islands' people."

707 *Ibid.*
708 *Ibid.*
709 *UN Yearbook 1994*
710 No further details available. Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. This also notes that while this accord has never been replaced, the South Atlantic Working Group has not met since 1994. See https://eaust.cancilleria.gob.ar/en/node/1248

In **August**, following an investigation by Eugenio Miari, Argentina's Defence Ministry drops its claim that the sinking of the ARA *Belgrano* was a '*war crime*'; accepting that it was a '*legal act of war*'. [711]

"Professor Sir Lawrence Freedman, the author of the official history to be published next year, told The Independent on Sunday: "The intercept confirms that the Belgrano was under orders to attack on May 1. It does nothing to confirm the contentions of Mr Dalyell and broadly supports what was said by the government at the time." Professor Freedman's book exonerates Lady Thatcher, who consistently argued that the warship posed a threat to the Task Force. Signals intelligence intercepted by GCHQ, the security services' eavesdropping centre at Cheltenham, the day before Conqueror fired its torpedoes at the Belgrano, showed that the warship was under orders to attack. It is unusual for such raw intelligence material to be published."[712]

August 22nd, at Stanley, with the UN's 'Convention on the Law of the Sea' (UNCLOS)[713] coming into effect in November, the Falkland Islands Government (FIG), in order to protect the squid grounds from unlicensed vessels, extends its EEZ into an area between the Outer Conservation Zone and the Argentine EEZ – known as the '*Gap.*' [714]

In Buenos Aires, Argentina protests to the British Embassy.

> *"The Argentine Government registers its most serious protest and rejection of that measure which involves maritime spaces adjacent to Argentine national territory, and does not accept the attempt to extend the dispute over sovereignty to an undisputed area. In the maritime space in which the United Kingdom seeks to extend its alleged jurisdiction, the Argentine Republic has exercised, exercises and will continue to exercise sovereign rights, particularly in respect of the administration and control of fisheries. The British action implies a departure from the Joint Statement and the bilateral understandings reached from 1990 until now regarding the South-West Atlantic. ...*
>
> *Without prejudice thereto, and in exercise of its jurisdiction over the said area, the Argentine Government will continue to administer and exploit the living marine resources in that zone, and to monitor and control the activities carried out therein, for the better conservation of the resources. ... Consequently, the Argentine Government urges the British Government to refrain from putting the measure into effect and from any unilateral act in the area in question so as to permit the continuation of the fruitful cooperation achieved thus far."* [715]

In Santa Fe, Argentina, on the same day, after three months of deliberations, a convention amends the Argentine Constitution by the addition of 17 'Temporary Provisions'. The first of these states:

> "*The Argentine Nation ratifies its legitimate and imprescriptible sovereignty over the Malvinas, Georgias del Sur and Sandwich del Sur Islands and over the corresponding maritime and insular zones, as they are an integral part of the National territory. The recovery of said territories and the full exercise of sovereignty, respectful of the way of life of their inhabitants and according to the principles of international law, are a permanent and unrelinquished goal of the Argentine people."* [716]

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711 *Argentina says Belgrano sinking was lawful act of war* Eve-Ann Prentice in *The Times* August 11, 1994. The conclusion of Miari's inquiry was made public, but not widely circulated within Argentina. *cf.* May, 2004.

712 *The Independent* December 27, 2003

713 This convention arose from the third United Nations Conference on the Law of the Sea; which opened in 1973 and concluded in 1982 and with introduction dependent upon at least 60 nations signing up to it. This was achieved in 1993 and so the convention came into force 12 months later (November 16, 1994). Ratified by both the UK and Argentina.

714 *Falkland Islands Proclamation No.1 of 1994.* Taking effect on September 1, 1994

715 *UN Document A/49/334.* See - https://documents.un.org/doc/undoc/gen/n94/371/70/pdf/n9437170.pdf

716 Agreed in 1993 by President Menem and opposition leader Raul Alfonsin. The effect of this 'Temporary Provision' has been to render irrelevant any negotiation. For Argentina, there can be only one outcome.

"I am sending you an unofficial translation of the 'First Temporary Constitutional Provision' on the Malvinas Islands, as approved by the Constitutional Assembly of Sante Fe on 22 August 1994. ... As you can see it states the requirement that an eventual change of sovereignty over the islands shall not occur without due respect of "The way of life of their inhabitants in accordance with international law". The reference to international law is of fundamental importance in so far as it involves a commitment to pursue and achieve a solution to the sovereignty dispute exclusively by legal means admitted by international law. Furthermore, it offers an explicit constitutional guarantee that the relevant international conventions and treaties will provide the legal framework for any eventual change of sovereignty and for protection of the status of all islanders. In other words, people in the islands should rest assured that the necessary guarantees are in place to preserve their way of life and that any future Argentine government will have to act according to these provisions." [717]

"Quoting from a report in an Argentine newspaper that the Argentine Foreign Minister had not succeeded in getting any mention of the Falklands' population in the new draft constitution. It seems that we were wrong."[718]

"... We were particularly disappointed by the decision of the Argentine Constituent Assembly, which in 1994 inserted in its constitution for the first time a clause asserting that the Falklands were part of Argentina. Assertions that the Falklands will become Argentine are highly objectionable to us and to the islanders and we reject them and will continue to do so at every opportunity." [719]

"If we stick to the Constitution, there is no way Argentina and the UK can negotiate a middle-ground position. The constitution imposes to seek the full sovereignty,.. it is a contradiction in terms since the kelpers have a clear political will and do not want to be Argentine." [720]

"The First Transitory Provision of the National Constitution does not establish a term for the recovery of the disputed territories and the full exercise of sovereignty. Nor does it say that this should be achieved in a single act and does not exclude a gradual approach to that objective, which it appropriately describes as "permanent and inalienable" of the Argentine people. It also underlines the constitutional text that the recovery of the territories must take place "respecting the way of life of its inhabitants, and in accordance with the principles of International Law ..." These are the factors that ... contribute to a flexible approach to the issue." [721]

"... it anchored the "recovery" (i.e. the annexation) of the Falklands and "the full exercise of sovereignty" in the Argentine constitution and committed future governments to work towards that end. So Argentina had "painted itself into a corner" – any future negotiations with Britain would be pointless since Argentina could only accept a complete British surrender. ... The term "imprescriptible" means "not subject to prescription", i.e. eternal, permanent, not lapsing after a certain time. The term is used in discussing, for example, human rights, which are permanent and do not lapse. Territorial claims, by contrast, are not permanent attributes and may lapse or be abandoned or cancelled in various ways. And of course no claimant is entitled to lay down how long his claims are to subsist. The notion that Argentina's claim to the Falklands is "imprescriptible" is incompatible with international law." [722]

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717 Open letter by Guido di Tella, to the Falkland Islanders, published in *Penguin News* September 3, 1994

718 Editorial in *Penguin News* September 3, 1994

719 Minister of State, Foreign and Commonwealth Office, Mr. David Davis speaking during a debate in the House of Commons. *Hansard HC Deb 22 March 1995 vol.257 cc263-84*

720 Vicente Palermo quoted in *'Las Malvinas son Argentinas'; Who Taught You that?* published in *Argentina Independent* April 4, 2012.

721 *La política británica hacia las Malvinas* Vicente Berasategui 2013

722 Pascoe 2020 p.329

"Although the constitutional clause precludes any possibility of violent conflict, it sought to reassert and legally embed a claim that would not simply dissipate with military defeat." [723]

August 23rd, in Seoul, South Korea, the 21st Congress of the Universal Postal Union opens. [724]

August 26th, in Buenos Aires, the UK Embassy rejects Argentina's protest of the 22nd.

> *"The United Kingdom has no doubts about its sovereignty over the Falkland Islands and its consequential right to extend maritime jurisdiction around the Territory in accordance with the rules of international law.*
>
> *Accordingly, the Embassy is instructed to reject the protest contained in the Ministry's note. ...*
>
> *The United Kingdom has taken action to include certain waters which are within 200 miles of Falkland Islands baselines into the Falkland Islands outer conservation zone to prevent the continuation of uncontrolled fishing taking place in that area to the prejudice of the stocks of fish and, in particular, of Illex squid. Argentina's well-known concerns about uncontrolled fishing in the South-West Atlantic are shared by the United Kingdom."* [725]

"The UK does not recognize Argentine jurisdiction over the area, which lies within 200 miles of the Falkland Islands and more than 200 miles from Argentine baselines." [726]

August 30th, Britain also rejects Argentina's new Constitution:

> *"... the Embassy are instructed to reject the Argentine claim in the revised Constitution to sovereignty over these territories and wish to protest formally at the renewed assertion of this claim."* [727]

September 14th, at the end of the Seoul Congress of the Universal Postal Union, Argentina makes a reservation.

"*Argentina reiterates the reservation made on ratification of the Constitution of the Universal Postal Union signed in Vienna, Austria, on 10 July 1964, by which the Argentine Government expressly stated that article 23 of the Constitution neither referred to nor included the Islas Malvinas, South Georgia, the South Sandwich Islands or Argentine Antarctica. The Argentine Republic therefore reaffirms its sovereignty over those territories which form an integral part of its national territory. ... Similarly, the Argentine Republic points out that the provision contained in article 30, paragraph 1, of the Universal Postal Convention on the circulation of postage stamps valid in the country of origin will not be considered obligatory for the Republic where any such postage stamps distort Argentina's geographic and legal reality, without prejudice to the application of paragraph 15 of the joint Argentine-British Declaration of 1 July 1971 on communications and movement between Argentina's continental territory and the Islas Malvinas, approved by exchange of letters between the two Governments on 5 August 1971."* [728]

Responding, the UK's representative, submits a counter- reservation; "*The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to United Kingdom sovereignty over the Falkland*

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723 *Chronicle of a referendum foretold: what next for the Malvinas–Falklands?* Cara Levey & Daniel Ozarow 2021
724 See below
725 *Note dated 26 August 1994 from the Embassy of the United Kingdom of Great Britain and Northern Ireland to the Ministry of Foreign Affairs, International Trade and Worship* attached to *UN Doc A/49/341* See - https://documents.un.org/doc/undoc/gen/n94/343/42/pdf/n9434342.pdf
726 *UN Yearbook 1994*
727 *UN Document A/AC.109/2027: Working Paper prepared by the Secretariat.*
728 *Documents of the 1994 Seoul Congress* vol.3 p.67 & 70

Islands, South Georgia and the South Sandwich Islands and the British Antarctic Territory. In this context attention is drawn to article IV of the Antarctic Treaty to which bath the United Kingdom and Argentina are parties. The United Kingdom Government therefore does not accept the declaration of the Argentine Republic claiming to contest United Kingdom sovereignty over the above-mentioned territories, nor does it accept the declaration of the Argentine Republic concerning article 30, paragraph 1, of the Universal Postal Convention (Congress - Doc 101). As regards other matters mentioned in the declaration of the Argentine Republic, the position of the United Kingdom Government is reserved." [729]

Interviewed for British television, Argentina's Foreign Minister suggests that the British army could remain after any agreement to transfer sovereignty; *"... if they (the Islanders) want to have the army"*.

> *"He added that "if the British want to spend 60 million pounds (to keep a military base on the islands) every year and that gives them pleasure, we will not be opposing that". ... "We are thinking of an entity like a province with special rights," he said."* [730]

September 24th, in Stanley, *Penguin News* reports:

> *"In his report on Executive Council yesterday, the Governor, Mr. David Tatham, said the Americans had suggested that a feasibility study into clearing minefields in the Islands, should be undertaken by a US contractor. ... The British and Argentine Embassies in Washington had been told that the US would be prepared to supervise the work which would be carried out by a commercial companies..."*

October 4th, in Buenos Aires, with decree *1741*, President Menem creates the *Comisión Nacional de Excombatientes de Malvinas*.

"... which would have the function of compiling and organizing all existing information on health, employment, housing, social conditions and training of former conscript soldiers who participated in the war in the South Atlantic." [731]

November 2nd, during an interview with *Pagina 12*, President Carlos Menem publicly offers to give each Falklands Islander $1.5 million if they accept Argentine sovereignty.

"Early in the week, according to The Times, it appeared the Argentine offer to islanders to approve the transfer of sovereignty of the Falklands to Argentina had been considerably increased. Quoting the respected Argentine magazine Pagina 12, the Times article stated that President Menem would be willing to pay $1.5 million (£931,600) to each Falkland Islands resident to endorse the transfer. It also said the president might be willing to share sovereignty with Britain in joint exploitation of oil. ... The estimated cost of President Menem's revised offer would be $3.3 billion. ... Speaking in London later in the week, ... Eduardo Menem, the head of the Argentine Senate and brother of the President, denied categorically that any such offer had been made..." [732]

"President Menem adopted Sir Alan Walters' idea and offered a million pounds to every Islander to accept Argentine sovereignty, not that Argentina had the funds to make good the offer. Falklands Governor David Tatham remarked: "It puts the morality of the Argentine Government in an interesting light if they believe nationality can be bought or sold" – though that was what the FCO had been advocating for the Islanders for years." [733]

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729 *Ibid.*
730 *Penguin News* September 17, 1994
731 Padilla 2025
732 *Penguin News* November 5, 1994
733 Elgood 2025

On the same day, a United Kingdom Overseas Territories Association (UKOTA) is constituted by those Overseas Territories with a permanent population. To represent the OTs when dealing with the UK Government. [734]

November 3rd, in New York, the UN General Assembly defers the question of the Falklands for another year. [735]

November 4th, in the UK, *The Times* newspaper reports on a poll conducted in the Falklands during October.[736]

"Fears that the MORI poll conducted in the Falklands last month was some kind of an Argentine plot proved to have some grounding on Friday when the results of the survey, or most of them, were revealed in The Times. ... the survey, during which some 200 residents were approached, was commissioned by what are described as "a group of Argentine businessmen". ... the commissioners of the poll from MORI asked that the results of some of the questions should be held back from publication. It is common knowledge in the Falklands that among the questions asked were some which pertained to the suggestion that the Argentine government might be prepared to pay Islanders to accept a change of sovereignty ... While MORI is not able to release the answers to the missing questions, MORI chairman, Robert Worcester, is reported as saying that "the information that has been published is not inconsistent with data that have not been published"." [737]

"Argentina's efforts to undermine the loyalty of Falkland Islanders are becoming ever more extreme, ... The polling team arrived unannounced in the Islands, and immediately began putting a politically-weighted questionnaire to a random selection of residents. While some questions were of a fairly innocuous nature, covering travel habits and attitudes towards Argentines compared to other nationalities, other questions were clearly designed to seed the idea of a hypothetical cash offer in return for sovereignty, and gauge reaction to it. In this respect, the poll was most mischievous, but almost 60% said that they would take no financial reward, even though the hypothetical scenario involved an agreement to change sovereignty as a precursor to an offer. As a political exercise for the Argentines, the exercise was a failure, ... Dr. Di Tella, the Argentine Foreign Minister, could not have been happy, for example, to learn that 82% of those questioned said they were satisfied with the performance of the Governor, or that 62% were satisfied with the work of their elected Executive Council." [738]

"The majority (57%) of islanders supported the then Conservative Government's policy of talking to Argentina about everything except sovereignty and only 4% thought that there should be negotiations about sovereignty. 78% said that they would have no confidence in any promises given by Argentina should sovereignty be compromised. 47% said that they would not agree to Argentine sovereignty in any circumstances." [739]

"... only fair to let them know that the questions of the MORI poll were originated at the Argentine Foreign Ministry headquarters." [740]

In Argentina, on the same day, Senator Eduardo Menem, the President's brother, confirms that Argentine oil companies will not be permitted to take up licences from the Falkland Islands Government.

November 15th, in Buenos Aires, Prince Andrew arrives for an official four day visit. Welcomed by Foreign Minister Guido di Tella, neither country's national anthems are played. Protesters march on the British Embassy, before burning a Union Jack.

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734 See - https://ukota.org/who-we-are/
735 *UN GA Decision 49/408. cf.* 1988 & 1989
736 Not listed on the MORI website.
737 *Penguin News* November 5, 1994
738 *Falkland Focus* January 1995
739 *The Falklands 25 Years On: Research Paper 07/29* March 21, 2007 Library House of Commons.
740 *The Seduction of the Islanders* Nora Femenia in *Buenos Aires Herald December 27, 1994*

"At first the march was peaceful, but after the mob burnt the British fag, violence broke out. A dozen demonstrators and four policemen were injured in the flare-up as security forces tried to contain the situation. Putting the incident aside, Prince Andrew carried on with his engagements. Police armed with machine guns, riot police on horseback, dog handlers and water canon were on stand-by.

Speaking for a time in Spanish, Andrew thanked the Argentine government for its 'warm welcome.' For the first time during the royal visit, an Argentine military band played the British National Anthem. A protester shouted 'Long live Argentina' as the anthem concluded. Shortly afterwards, a protester driving past in a car yelled, 'traitors' at the Argentineans attending the unveiling ceremony." [741]

"On the evening of the first day of the Duke's visit, violence broke out at the British Embassy in Buenos Aires as a crowd, varying according to accounts, from 100 to 200 started hurling stones over the wall of the Embassy compound and tried to storm the entrance." [742]

November 16th, commenting on Prince Andrew's visit to Argentina, President Menem is reported as saying; *"This will strengthen our ties with Britain. If there is no dialogue, then we have no chance of recovering the Islands."* [743]

On the same day, the UN's Convention on the Law of the Sea comes into effect: introducing provisions regarding archipelagic status; exclusive economic zones (EEZs) of up to 200 miles; continental shelf jurisdiction; deep seabed mining; an exploitation regime; protection of the marine environment; scientific research and settlement of disputes. The Convention also sets the limit of various areas, measured from a carefully defined baseline. Under the Convention, vessels are given the right of *'innocent passage'* through any territorial waters; defined as passing through waters in an expeditious and continuous manner, which is not "*prejudicial to the peace, good order or the security"* of the coastal state.

"A State with sovereignty over an island has the right to establish its territorial sea, contiguous zone, EEZ and continental shelf. Therefore, it is a widely accepted principle of international law that sovereign title over an island is established by effective occupation rather than by mere geographical affinity of a coastal state." [744]

November 24th, in the UK, a Dependent Territories Association is founded, consisting of Anguilla, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St. Helena and Turks and Caicos. Bermuda has observer status.

November 25th, from Buenos Aires, President Menem denies making any formal cash offer to the Islanders.

November 30th, Argentina's Foreign Minister Guido di Tella writes an article published in *La Prensa*.

"Making it quite clear from the outset that as far as the Falklands goes, Argentine policy has not changed a jot since the seventies. Mr. Di Tella claims that "28% of the islanders are prepared to consider, as part of the solution, economic compensation so long as various aspects, such as security and preservation of their life-style are respected". ... In fact the question asked what level of financial compensation Islanders might feel appropriate, if the change of sovereignty were already a foregone conclusion." [745]

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741 AP Archive citing November 16, 1994. Video clip available at http://www.aparchive.com/metadata/youtube/1480cca3f045e407d1aae630c6ab11b4

742 *Penguin News* November 19, 1994

743 *Daily Telegraph* November 16, 1994

744 *The Law of the Sea and Northern Asia: a Challenge for Cooperation* P.H. Kwon in *Kluwer Law International* 2000 p.93

745 *Penguin News* December 3, 1994. Di Tella was citing the part-published MORI poll of October, 1994. With an interpretation open to question.

In the **December** edition of the *Falkland Islands Newsletter*, the Right Honourable Douglas Hurd, Britain's Foreign Secretary, reflects on the future of the Islands.

> *"... the question of sovereignty is in effect settled. It may take years yet before Argentina recognises this fact. But the Argentine invasion in 1982 made it certain, I think, that the Islanders will not accept Argentine rule, and no one will in practice force it on them."* [746]

Anglo-Argentine talks on fishing quotas fail to reach agreement on quotas. [747]

December 24th, from London, Prime Minister John Major sends a Christmas message to the Falkland Islands.

> "*Your interests in the Falkland Islands remain very important to us. Douglas Hurd brought back two things from his visit in April. The first was a fondness for the Islands and their people. The second was a confirmation that our policy of defending your rights was both just and essential. We will not be diverted from that course. You have the right to be governed under the flag of your own choice and we will continue to uphold that right. The recent opinion poll conducted in the Islands made clear the very strong feelings that you have on this subject. Let me assure you tonight our feelings are no less firm. I wish you all a very Happy Christmas and a prosperous New Year."* [748]

1995 – January 3rd, Argentina issues a press statement that starts; *"Today being the one hundred sixty-second anniversary of the illegitimate British occupation of the Malvinas Islands..."* [749]

In the Falklands, belatedly, Christmas cards from Guido di Tella arrive. [750]

"Perhaps he can be forgiven for being a little late as he appears to have sent a card to everyone on the Falklands electoral roll, some eleven sacks of mail, according to Post Office sources, which must have left him with considerable writers cramp. ... This year, .. it was the envelopes which appeared to have been the cause of most interest on the coast. A number of people in Stanley were telephoned by a journalist from a Uruguayan newspaper La Manana, who was requesting that an envelope be faxed to him and it is believed that at least one Argentine journalist was displaying a similar interest. The focus of attention on the envelope was not because of the late date posting, ... but on account of the address. Not Puerto Argentina or Rivero but: ***Port Stanley, Falkland/Malvinas Islands****."* [751]

January 6th, at Stanley, ex-editor of *La Prensa*, Conrado Bulrich, arrives with 500 video tapes of a documentary he has directed – *The Argentine Camp from the Pampas to Patagonia*. A gift for Islanders. [752]

January 16th, the Falkland Islands hosts a Commonwealth Parliamentary Association seminar.

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746 *Falkland Islands Newsletter* December 1994 p.2. Following on from comments he made on a visit to the Falklands, Douglas Hurd was the first British Minister to publicly assert that the Falklands question had been resolved by the events of 1982. He would not be the last; followed by Deputy Prime Minister Nick Clegg in March, 2012 and Defence Secretary Michael Fallon in March 2016. Similar statements would be made by other prominent politicians and, surprisingly, Britain's Ambassador to Argentina in January, 2018.

747 *Financial Times* December 9, 1994

748 For the full message, see - https://johnmajorarchive.org.uk/1994/12/24/mr-majors-1994-christmas-message-to-the-falkland-islands-24-december-1994/

749 Despite the historical inaccuracies, this would seem to have been the start of the annual January 3 press release which was soon followed up by a letter addressed to the UN Secretary-General. There had been a couple of examples in the mid-1980s, but from 1995 it became an annual event – to this day (2025)

750 Eleven sacks of mail. Posted from Argentina on December 27, 1994.

751 *Penguin News* January 7, 1995. Original emphasis.

752 *Ibid.*

January 27th, David Davis, Minister of State at the Foreign Office, arrives in Stanley for a five-day visit.

"The Minister seemed perplexed at a suggestion that the discovery of oil here might have an effect on the politics of this region and dismissed as faintly ludicrous, the notion that commercial forces might attempt to apply pressure on the governments involved to achieve a solution to the sovereignty dispute, which might be unwelcome to us. Despite a worrying reference to "keeping the Argentines in the picture" about our intentions with regard to oil, he was adamant that if oil were to be discovered, even in globally significant quantities, it would remain ours to do with as we liked." [753]

January 31st, in Switzerland, President Menem is quoted as saying to an Italian reporter; *"We must determine whether the sinking of the cruiser Belgrano was a war crime or not. And if it is, with all due respect, we must ask for the extradition of Lady Thatcher."* [754]

February 1st, in the UK, the *Financial Times* newspaper reports;

"... informal talks start today, between representatives of Argentina and the UK that are aimed at finding a basis for an agreement between the two countries and the Falkland islands Government on co-operation in the exploration and exploitation of oil."

February 6th, in London, Argentina's Ambassador, Rogelio Pfirter, calls for Margaret Thatcher to be extradited to Argentina for having ordered the sinking of the cruiser *Belgrano*. [755]

In Britain's House of Commons, a reply to a question provides information as to the costs of maintaining a garrison on the Falklands; *"... the annual cost of defence of the Falklands had reduced from an immediate postwar high of £637 million in 1983 to £67 million in 1993-94. Asked ... to estimate that figure on a per household basis, the figure given by Mr. Soames was an approximate £2.90 per household per annum."* [756]

February 7th, in the UK, newspapers report that the president of an Argentine oil company has reached a "*verbal*" agreement with British Gas, to exploit the oil resources around the Falklands archipelago.

"The basis for this (The Times) report was an interview published in what was described as a leading Buenos Aires daily newspaper, and given by Jose Estenssoro, President of Argentina's largest oil company, Yacimientos Petroliferos Fiscales (YPF), who confirmed that talks had been held with British Gas about drilling for offshore oil within the Falkland Islands exclusion zone.... Senor Estenssoro admitted that YPF and British Gas had jointly purchased the results of the seismic surveys and had handed a written proposal to their respective governments. According to the report, YPF and British Gas are said to be considering extending membership of their consortium to Petrobas, the Brazilian corporation, which has a vast amount of deep sea experience." [757]

February 9th, in Buenos Aires, President Menem repeats his claim that; *"... that the Islands (will) be Argentinean (by) the year 2000, ..."* [758]

February 10th, Menem applauds the reported YPF/British Gas deal.

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753 *Penguin News* February 4, 1995. The Minister's open meeting was only attended by three people including, it appears, the local journalist.

754 Only 6 months before, Argentina's Defence Ministry had concluded that no war crime had been committed. A decision not well received by Argentina's veterans organisations. *cf.* August, 1994, below. Also March & July, 2000

755 BBC *Summary of World Broadcasts* February 8, 1995.

756 *Penguin News* February 18, 1995

757 *Penguin News* February 11, 1995

758 BBC *Summary of World Broadcasts* February 13, 1995

"YPF have made a great step forward in this field and this delivers enormous possibilities and advances to Argentina in the conflict for the Malvinas."

Responding, British Gas deny that there is any formal agreement. The British Geological Survey, speaking for the Falkland Islands Government, state that nothing has changed and that oil companies are more than welcome to form partnership deals with Argentine companies; provided that the latter did not have more than a 49% shareholding.[759]

March 14th, from the Falkland Islands, two Islanders (Graham Bound and Janet Robertson) travel to Buenos Aires for the start of a mini-lecture tour around Argentina. [760]

"The two young islanders—one male and one female—are currently in the middle of a two-week privately funded lecture tour, during which they are telling Argentines about life in the Falklands today. Their audience will realise that the islanders are as British as Members of the House." [761]

"The idea of a lecture tour resulted from the 1994 Argentine British Conference in Mendoza. The three Islanders who attended were well received by the Argentines who showed considerable interest in their view. … The central theme was that a great deal has changed within the Islands since 1982, and that the reality is far different to the ideas which are commonly held in Argentina and date from the 1970s. … We stressed that the old idea of Islanders being second-class citizens was no longer accurate, and that they now have full rights as citizens. … There was a greater willingness than I had anticipated to consider and alternative view." [762]

March 22nd, in Britain's Parliament, opening an adjournment debate, Sir Andrew Bowden (Conservative Party) says; "*There is a deep distrust of Argentina among the islanders. After all, Argentina is still making public claims on the Falklands. Only a few months ago, President Menem said: "The Malvinas will be ours by the end of the century".The people of the islands do not want any formal relations with Argentina until it has given up its claims of sovereignty for all time."*

Sir Russell Johnston, speaking on behalf of the Liberal-Democrat Parliamentary Party, says of the Falkland Islanders; *"… few as they are, they are the indigenous population. They have the right to determine their own future."*

Mr. Tony Banks of the Labour Party, also contributes to the debate; *"I have given the subject careful consideration and I agree with every speech that I have heard so far that Argentina's territorial claim to the Falkland Islands is weak and thoroughly unacceptable."*

Minister of State for the Foreign and Commonwealth Office, Mr David Davis says; *"The Falklands is not just a very British society, but a society which is going places. A sign of that self-confidence has been mentioned in the debate—the two young islanders who have gone to Argentina to tell the Argentines politely but firmly that while the islanders want good neighbourly relations with them, that will be impossible until the Argentine Government drop their claim on their country. … Once the Argentines accept that the islanders are British and have their own right to self-determination, relations can be built on a normal basis."*[763]

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759 *Falkland Islands Newsletter* April 1995
760 Finished March 26, 1995
761 David Davis MP speaking in the Commons. *Hansard HC Deb 22 March 1995 vol.257 cc.263-84.*
762 *A Report on the Lecture Tour of Argentina 14-26 March 1995* Graham Bound 1995 quoted in Elgood 2025
763 *Hansard HC Deb 22 March 1995 vol.257 cc.263-84.* See - https://hansard.parliament.uk/Commons/1995-03-22/debates/2c0364c6-dc79-4dc5-89d9-359ae295e379/FalklandIslands

At an Association meeting at the FCO the Minister, David Davis, praised the value of such a tour and asked when another might be staged. Falklands Councillors failed even to mention it and there was criticism from some in the Islands and amongst supporters in the UK, some of it personal directed at Bound and Robertson."[764]

March 25th, in Stanley, *Penguin News* reports on the adjournment debate:

> *"Mr Austin-Walker, like other members, queried the historical legitimacy of the Argentine claim and expressed the view that Islanders were right to query a philosophy "which suggests that killing the local population provides more secure territorial rights than settling empty islands".*[765] *Perhaps the most surprising expression of support came from Mr. Jacques Arnold, a member of the British-Latin American parliamentary group, who paid tribute to the advances made by Argentina in recent years … but said that "as a friend of Argentina" he was pained by Menem's "unwise claim" that Argentina should retake the Islands by the year 2000."* [766]

"There was general support from the House for the current policy of non-negotiation with the Argentines over the sovereignty of the Islands; MPs from all sides called on Argentina to drop the sovereignty claim. The debate also marked an important shift in the stance of the Labour party which gave a broad acknowledgement of the Islanders' right to self-determination." [767]

In **April**, the Falkland Islands Government publishes a document – *Policy Recommendations for any Future British Government*.

"Despite the length of its title, the document … gives a very concise account of the past, the present and the hoped-for future of the Falkland Islands; a future whose ultimate goal is described in the Executive Summary as "Secure Independence" though it adds, "It is anticipated that this will be a very gradual process"... Another section which deals with concern to the British taxpayer … attempts to put a figure on the marginal cost to the UK of the MPA garrison and concludes that FIG contributions to its cost already represent a per capita cost to Islanders in excess of four times that paid by UK residents towards the defence of Britain." [768]

May 14th, in Argentina, Carlos Menem is re-elected to the Presidency.

May 18th, Buenos Aires again proposes that it purchases sovereignty of the Falkland Islands; paying up to $1m for each and every one of the 2,200 inhabitants. [769]

"Reports from Argentina carried by the BBC and the Buenos Aires Herald since last Sunday's presidential elections indicate that Argentine Foreign Minister Dr. Di Tella is still in bullish mood over the prospects of recovering the Falklands and, moreover, is still prepared to pay for the privilege. "We have suggested that if monetary compensation is necessary or convenient or acceptable we are willing to discuss significant monetary compensation", he told journalists. In an interview with Michael Voss for BBC news, when asked if he were prepared to put a figure on the offer, Dr. Di Tella said, "A figure of £475,000 per person, which is a lot of money. I don't know whether we will reach that (amount), that's before haggling. Let's discuss the essential problems which are the human part"." [770]

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764 Elgood 2025. Referencing the Falkland Islands Association.
765 An apparent reference to the Argentine Republic's bloody colonization of Patagonia, compared to Britain's arrival in the Falklands in 1765. See - https://www.theguardian.com/world/2011/jan/13/argentinian-founding-father-genocide-row
766 *Penguin News* March 25, 1995
767 *Falkland Focus* June 1995
768 *Penguin News* April 8, 1995. Evidence that the Islanders contribute to their own defence.
769 *Independent on Sunday* May 18, 1995. See also August, 1993
770 *Penguin News* May 24, 1995

Governor David Tatham, tells reporters.

> *"I think the Islanders' find it offensive that another country would attempt to buy their citizenship. Di Tella is just casting around for a fresh ploy to divide the Islanders, but there's no chance of this working."* [771]

May 31st, at Stanley, *Penguin News* reports the arrival of David Anderson, senior legal advisor to the UK's Foreign and Commonwealth Office.

"His involvement with the Falklands began in 1982, when he had the job of drafting the famous Resolution 501 to the United Nations, in response to the invasion of the Falklands by Argentina. More recently, Mr Anderson devised the legal framework for the FICZ, and the understanding with the Argentines which led to the introduction of the FOCZ and later the implementation of a full fishing regime in the FOCZ and the closure of the Gap. He has been present at meetings of the Oil High Level Group and at the informal talks on oil which have taken place in the last six months. With Mr Anderson was Mr Mark Peters from FCO's South Atlantic Department."

June 5th, in the UK, the South Atlantic Fisheries Commission meets.

June 6th, in London, Argentina's Foreign Minister Guido di Tella arrives; complaining to the press that the Islanders are preventing the relatives of soldiers buried at the Argentine cemetery, from visiting the archipelago. Andrew Gurr, Chief Executive at Stanley, writes to *The Times* to point out that, since the 1991 visit by relatives, no request for another visit had been received.

> *"We have all along made it clear that the remains of any of the Argentine dead may be returned to Argentina at any time – as many of their families would clearly prefer. It is the Argentine Government which insists on their dead being left in the Islands – to make a political point."* [772]

June 7th, speaking to the BBC, Minister di Tella says that his government is willing to pay the Islanders if they will accept Argentine sovereignty. He suggests a figure of £500,000 per family. He gives the prospects for oil negotiations at no more than a 50:50 chance of success. [773] On the issue of fishing, the Minister says that Argentina is "*exasperated*" by the lack of cooperation.

June 18th, in Buenos Aires, *Clarin* reports that Argentina and Britain have; *"... practically agreed on a deal to share royalties of oil output in two areas near the disputed islands. ... it was asserted that ... Britain and Argentina would "form a joint commission to call for exploration tenders in two areas, each containing both undisputed Argentine waters and waters claimed by both countries". According to the report, these areas had been identified as exploration targets by YPF and British Gas during talks on possible joint ventures. The announcement of the deal, the report went on, was being stalled by disagreement over Britain's wish not to give Argentina any share of oil rights from further inside Falklands waters."* [774]

June 19th, in London, following a series of burglaries at the offices of the Falkland Islands Association, in which a burglar alarm was circumvented and documents stolen, reporters from *Clarin* ask the head of the Argentine security service if he has any knowledge. The suggestion of Argentine involvement, is denied.

June 28th, in Buenos Aires, President Menem tells the press that; *"We are in permanent dialogue with Great Britain and we are working out deals to reach the objective that we proposed, that is before 2000."*

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771 *The New York Times* June 8, 1995
772 Gurr's letter was not published until June 11, 1995; after Foreign Minister di Tella had left London
773 See also 1953 & August, 1993
774 *Penguin News* June 21, 1995

"As a result of the proximity of the 1995 presidential elections in Argentina, the fishing policy with the United Kingdom in the Malvinas was seriously questioned by different political forces for two main reasons. First, because the strategy had not allowed progress on the issue of sovereignty even though concessions had been made in the area of fishing; and second, because the islanders had increased their profile as arbitrators in the central decisions on the issues of the dispute." [775]

June 30th, at the Hague, the International Court of Justice (ICJ) considers a case concerning East Timor.

> *"In the Court's view, Portugal's assertion that the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an erga omnes character, is irreproachable. The principle of self-determination of peoples has been recognized by the United Nations Charter and in the jurisprudence of the Court..."* [776]

"*Although the Charter of the United Nations does not explicitly impose on the administering Power the duty to consult the people of a Non- Self-Governing Territory when the matter at issue directly concerns that people, in the view of Judge Vereshchetin the jurisprudence of the Court shows that such a duty does exist in international law at the present stage of its development and in the contemporary setting of the decolonization process. The above duty may be dispensed with only in exceptional cases, which cannot be held to apply in the present case. The lack of any evidence as to the view of the people of East Timor, on whose behalf the Application has been filed, is one of the principal reasons leading to the inability of the Court to decide the dispute."* [777]

July 2nd, in Trinidad, Islands Councillors Norma Edwards and Bill Luxton attend a seminar organised by the UN Special Committee on Decolonization; *"We were able to talk informally with Committee members and although we thought we were only invited as observers, in fact we were asked to speak and were invited to make comments on the business discussed by the Committee."* [778]

July 5th, at an *International Meeting on Mine Clearance* the representative of Argentina makes a statement.

> *"I would like to point out that our Government has offered to assume the costs of removing the mines laid by the Argentine armed forces in the Malvinas Islands in 1982. This is an ex-gratia offer and does not imply the acceptation of any responsibility. In July 1994, the Argentine Republic and the United Kingdom agreed to request the collaboration of the United States in order to carry out this initiative. The United States Government responded affirmatively to this request and is at present analysing with the Argentine Government the modality that the procedure will assume in order to carry out this operation. This initiative corresponds with the national position on disarmament, international security and arms limitation matters. It is at the same time still another demonstration of Argentina's disposition to consider, in the course of her actions, the interests of the inhabitants of the Malvinas Islands and to create an adequate framework for mutual understanding. Therefore, it is Argentina's intention that the expenditure caused by the demining of the Malvinas Islands be considered as a contribution to the voluntary trust fund established by United Nations General Assembly resolution 48/7 on assistance in mine clearance, co-sponsored by the Republic of Argentina and adopted without a vote by the Assembly on 19 October 1993."* [779]

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775 Romero 2020

776 *ICJ Reports of Judgments, Advisory Opinions and Orders Concerning East Timor (Portugal v. Australia) 30 June 1995 p.102. Erga omnes* is a legal term meaning an obligation owed by all. In other words, self-determination was a right that should be recognised by everyone . See https://www.icj-cij.org/en/case/84/judgments p.102 para.29.

777 *Ibid.* See https://www.icj-cij.org/files/case-related/84/084-19950630-JUD-01-04-EN.pdf

778 Norma Edwards quoted in *Penguin News* August 9, 1995

779 *A/Ac.109/2048*

In the Falklands, the southern half of New Island, becomes a nature reserve. [780]

July 10th, at the UN, the Special Committee on Decolonization commences its annual consideration of the Falkland Islands with Councillors Goss and Edwards representing the Falkland Islands people. Petitioners for Argentina include Ricardo Patterson and Alexandro Betts. [781]

"On the 10 and 13 of July, the Special Committee on decolonization considered the question of the Falkland Islands (Malvinas); the United Kingdom, the administering Power, did not participate. The Committee acceded to Argentina's request for participation in the deliberations." [782]

July 13th, Argentina's Foreign Minister speaks to the Decolonization Committee.

> *"The right to self-determination does not apply to the inhabitants of the islands, as the General Assembly reaffirmed in its voting on 27 November 1985."* [783]

As in previous years, Venezuela introduces a draft-resolution calling for sovereignty negotiations. Once again, this is adopted by the committee, by consensus. [784]

"*Traditionally, the Latin American countries of the Committee, of which there are three, have presented the resolution that is approved by the General Assembly. Argentina has always had majority support. Suddenly, last year, some Afro-Asian members wanted to present an amendment introducing the principle of self-determination into the resolution. Behind the countries that presented it were the English and the islanders. This caught the Argentine delegation by surprise, but they were able to maneuver to prevent it from moving forward, and the proposal was postponed until this year (1996). … To prevent surprises, the Foreign Minister undertook diplomatic actions with the countries that could introduce the amendment on the self-determination of the islanders. … I believe there will be no problem, since on this issue, it is the Latin Americans who have the upper hand, and they will drag the others along so that the resolution is passed as always, inviting the parties to negotiate."* [785]

August 16th, in Bermuda, in a referendum, the people vote against independence. [786]

September 15th – 17th, in England, a fifth Argentine-British Conference takes place at Keble College, Oxford.

September 19th, in Buenos Aires, during a radio interview, President Carlos Menem refers to an agreement regarding oil in the area of the Falkland Islands; *"It is the first real and large step regarding Argentina's permanent battle to regain sovereignty. It is the best that we could obtain 163 years after our islands were taken in 1833."* [787] Responding, a spokesman for the British Embassy tells reporters that a *"draft-agreement"* was under consideration.

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780 The New Island Conservation Trust was founded by Ian Strange MBE in 1995. The Trust purchased the remaining northern section in 2006.

781 *UN Document A/50/23 (Supp)* dated January 1, 1996 *cf.* 2009

782 *UN Yearbook 1995*

783 A partial interpretation. *cf.* November, 1985

784 *UN Document A/AC.109/2033.* Decolonization Committee resolutions are subsequently presented to the Fourth Committee for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. See above

785 *Diálogo con el Embajador Lucio García del Solar* in *Revista de Relaciones Internacionales* 1996 no.11, June – November. I can find no reference to anything submitted in 1996.

786 On a turnout of 58.8%, 73.6% voted against. 25.7% in favour.

787 *The New York Times* September 20, 1995

September 20th, in Stanley, *Penguin News* reports: *"... speculation, described by Falklands Governor David Tatham as "plain wrong" envisages that Argentina will receive 33% of oil royalties for oil extraction in waters to the East of the Falklands and 50% of royalties from the Western Waters. ... An additional benefit to the Argentines,.. would be a figure of between 25% to 33% of the revenue from the licences, which FIG will be selling from October 3rd. ... Falkland Islands Government sources are adamant that the Clarin report is purely speculative; ..."*

September 21st, in New York, John Major meets President Menem. Falklands' sovereignty is not discussed.

> *"I held the first meeting with the President of Argentina since the 1982 invasion. Let me tell you why. It is because I want a stable and friendly relationship with Argentina. I am in no doubt that that would be in all our interests and especially yours on the Falkland Islands. So, after 13 years, I thought it was right to resume contact at the highest levels, but that does not and will not change your right to be governed under the flag of your own choosing. That is beyond question and will remain so. The better relationship with Argentina cannot be at the expense of the sovereignty of the Falkland Islands. There's been no change and no compromise in the British Government's position. ...*
>
> *I agreed with President Menem to work towards a longer-term fisheries agreement, particularly to protect the stocks of squid."*[788]

September 23rd, within Falkland Islands seas, an Argentine missile corvette, *Granville*, harasses seven fishing vessels. The commander of *Granville* tells the, mostly Spanish, captains that they are fishing within Argentina's exclusive economic zone, and orders them to leave the area. The captains' protest but comply. Britain lodges a formal protest with Buenos Aires following the incident.

"In what some commentators think might have been an attempt by dissident hard liners with the Argentine Navy to rock the diplomatic boat before the impending oil agreement, approximately eight fishing vessels licensed by the Government, were expelled from the Falkland Islands Conservation Zone (FOCZ) by the Argentine Corvette Granville..." [789]

September 27th, in New York, an Anglo-Argentine joint-declaration announces agreement on an approach for the exploration and exploitation of hydrocarbons (oil and gas); establishing a program of coordinated activities and providing for the creation of six special cooperation areas. [790]

Each country then issues a separate statement concerning the joint-declaration; immediately revealing serious discrepancies between the two positions. [791]

"What did the agreement amount to? First, the Argentine Government effectively withdrew its opposition to the bidding process; both sides agreed to cooperate to encourage offshore activities in the South West Atlantic. Secondly a Joint Argentine-British Commission was to be set up to further cooperation and to manage oil and gas developments in two 'areas of special cooperation', namely areas that straddled the demarcation line between Argentine and Falkland territorial waters. Unfortunately, the agreement did not explicitly address the question of royalties, that is payments of a percentage of the value of any oil or gas ultimately produced, payments quite distinct from rental for the concession areas and tax on corporate activities. The level of

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788 *A/AC.109/2048: Working Paper June 1996* quoting John Major's Christmas 1995 message to the Falklands
789 *Penguin News* September 27, 1995
790 Full declaration here - https://falklandstimeline.files.wordpress.com/2022/07/joint-declaration-of-september-27-1995-offshore-activities-in-the-south-west-atlantic.pdf
791 See 2007

royalties is of crucial importance to bidders. In the bidding documents the rate of royalty to be paid to the Falkland Islands Government is nine per cent." [792]

"The co-operation envisaged by the Joint Declaration appears not to have got off to the most promising of starts. At the same time as the Joint Declaration was issued, Argentina made a statement in which it said that it would introduce non-discriminatory legislation to impose charges on national and foreign companies operating in the area subject to the dispute over sovereignty, and that the Joint Declaration should not be interpreted as an acceptance..." [793]

"After reaffirming the well-known umbrella of sovereignty, (the Declaration) emphasizes that (South) Georgia and (South) Sandwich are excluded from this declaration, coinciding with British interests. This is so because England separated the jurisdiction of the Malvinas (giving autonomy to the Kelpers in their area) from Sandwich and Georgia under the direct jurisdiction of London. Malvinas has its "own government" and it seeks to make them sustainable, and to put the kelpers as a sovereign party in the discussion with Argentina. While Georgia and Sandwich become territories directly administered from England. The declaration, by explicitly mentioning this, makes a new geopolitical concession to the British, since in Argentina the Malvinas, Georgias and Sandwich are part of a political unit that is the province of Tierra del Fuego. In other words, Argentine diplomacy once again accepts a status quo and a political geography of the occupier, ..." [794]

In New York, on the same day, Argentina's President addresses the UN General Assembly.

> *"... the dispute concerning sovereignty ... has not yet been resolved. We will not cite yet again the numerous resolutions in which the General Assembly and the Decolonization Committee have categorically and repeatedly stated their position on this matter. Let me simply recall that all of these include a clear and direct appeal to the two countries involved – Argentina and the United Kingdom – to reach a negotiated settlement... This appeal ... remains unheeded...."*

Exercising a right of reply, Britain's representative tells the Assembly; *"... we have no doubt about Britain's sovereignty over the Falkland Islands and other British dependencies in the South Atlantic, sovereignty which rests upon firm historical foundations..."*

September 28th, responding to Argentina's separate statement of the day before, Britain says that it does not accept that Argentina has any right to levy charges, and that; *"HMG will be working with the Falkland Islands Government in the development of the forthcoming licensing round."* [795]

"There was a strong desire on the British side to reach an agreement. And it was no time for Argentina to be taking an apparently confrontational and intransigent position. Argentina was on a financial knife edge in the difficult months that succeeded the Mexican financial collapse in December 1994 and badly needed to maintain the confidence of the international financial community. The agreement when it emerged was far from precise. ... The agreement was generally welcomed, not least by the United States of America, the European Union, and Chile, and the international financial community. The Joint Declaration was a turning point. If agreement had not been reached, the improvement in relations might have suddenly reversed. We might have had a crisis on our hands." [796]

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792 *Britain, Argentina and the Islands: the Potential for a Solution* Alastair Forsyth 1996 in *Argentina: Foreign Relations and the New Foreign Policy Agenda* Colin M. Lewis & Celia Szusterman (eds) 1996
793 Churchill 1997 p.470
794 Caviasca 2018
795 Churchill 1997 p.470
796 Forsyth 1996 in Lewis & Szusterman (eds) 1996 op.cit.

October 3rd, in London, a seminar and presentation is held – with all major oil companies invited – during which the Falkland Islands Government announce the availability of, *'... petroleum production licences.'* [797]

"Shell, Texaco, Elf, BHP Petroleum, Union Texas, Petro-Fina and British Gas were among the big names of the oil world who were represented at the opening session of the Falkland Islands Government Oil Licensing round... Any fear there might have been that no-one would show up on the day were soon dispelled as an estimated ninety to a hundred delegates, representing some forty oil companies arrived early for the meeting..." [798]

October 4th, in Stanley, *Penguin News* reports:

> *"Argentina will turn a blind eye to participation in the Falklands oil licensing launch by Argentine companies as long as they pay a 3% levy, according to Mr. Guillermo Gonzalez, Argentina's principle negotiator in the recent joint talks on oil exploration. He was quoted in an article by David Pilling in the Financial Times, as saying that such participation was a "business decision"."* [799]

October 5th, Argentina protests the announcement of production licences by the Falklands Government. [800]

"The United Kingdom, ... sought to limit cooperation with our country to an area of special cooperation created by the agreement, of only 21,000 square kilometres, and reserve for its unilateral action the entire rest of the area. In short, since Argentina and the United Kingdom did not agree on the area in which each country could operate, London granted permits unilaterally and without consulting its counterpart, since according to it ... it could do so." [801]

October 15th, in Houston, Texas, the October 3rd seminar is repeated with more than 80 delegates attending.

October 17th, in Buenos Aires, the Argentine Congress ratifies the UN Convention on the Law of the Sea; *"To allow for ratification of UNCLOS, the Baseline Law was passed and Law 17094 was amended. UNCLOS was ratified on 17.10.95 by Law 24543, reducing our territorial sea from 200 miles - according to Law 17094 - to just 12 miles and introducing the territorial sea divisions of 12 miles, contiguous sea from 12 to 24 miles, and EEZ up to 200 miles."* [802]

October 23rd, in New York, in the UN Plaza Hote, Argentine President Carlos Menem and British Prime Minister John Major, with their respective Foreign Ministers, hold the first top-level meeting between the two governments since 1982.

"President Menem himself, before meeting in October 1995 with Prime Minister Major in New York, answered journalists who asked him if the issue of sovereignty would be discussed: "As you know, sovereignty has for now been placed under the umbrella"." [803]

After the meeting John Major tells the press; *"At some stage we have to correct problems and disagreements that have occurred in the past and that is what we are seeking to do. ... I am trying to construct the circumstances where we have a normal relationship with Argentina and where the Falklands are never again under threat."*

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797 *The London Gazette No. 54174.* These consisted of 19 blocks to the north and south-east of the Falklands; the majority within the FICZ and all of them outside the previously recognised joint development area.
798 *Penguin News* October 4, 1995
799 *Ibid.*
800 Bielsa 2010
801 Romero 2020
802 *Politica Pesquera para la Soberania Argentina en el Atlantico Sur y Malvinas* Cesar Augusto Lerena 2013
803 Romero 2020

October 26th, in Britain's *The Times* newspaper, Roy Hattersley MP, of the British Labour Party, writes:

> *"The sight of John Major shaking hands with Argentine President Carlos Menem stirs mixed emotions. Of course it is right that old enemies should put differences behind them and hope for peace in the future. But Argentina is not an old enemy. It is a mere 13 years since our nations went to war over the sovereignty of the Falkland Islands, and though the fighting ended mercifully quickly, the issue at the heart of the conflict remains. … no wonder the Islanders are worried.... The Empire of which the Falklands was once the smallest collection of red dots – was rightly dissolved when the colonial people demanded freedom and independence. It was right to let India, Kenya and Singapore go. It must – on the same principle – be right to let the Falklands stay, and to underwrite the free choice with a cast iron guarantee … there was a time, not so long ago, when the Argentines believed that they could negotiate the annexation of the Falklands. They must not be allowed even the faintest hope of talking themselves into a victory which their armed forces could not win. The freedom that the Islanders now enjoy was bought by the men who fought on Tumbledown and Goose Green … the dead and wounded from the fire-swept Galahad … If we now allowed the hotheads in Buenos Aires to doubt our resolution to preserve the freedom of the Islands, we would betray the men and women who fought and died, as well as the South Atlantic families who want to remain British."*

October 31st, at the UN, the General Assembly defer the question of the Falkland Islands for another year. [804]

November 21st, in Buenos Aires, the South Atlantic Fisheries Commission meet. Both sides agree that fishing activity must be controlled in order to maintain Illex squid stocks.

"The meeting did not result in a long term agreement of the sort recently spoken about by Argentine President Carlos Menem. Mr. Barton agreed with the assessment of the writers of the ensuing joint statement that the atmosphere had been both "friendly and constructive". While in Buenos Aires, Mr. Barton attended what he described as a preliminary discussion on the role of the Joint Commission on Oil Development, whose first formal meeting is now expected to be held in February." [805]

December 1st, Argentina ratifies the United Nations Convention on the Law of the Sea; whilst rejecting British sovereignty of the Falklands, South Georgia and the South Sandwich Islands. [806]

December 5th, in New York, the UN General Assembly adopt resolution 50/24 concerning '*straddling and highly migratory fish stock*.' The resolution calls for the creation of regional fishing management organisations with the aim of conserving stocks. [807]

December 14th, found near the Falklands, *Thunnis*, a fishing vessel, is arrested by the Falklands fisheries protection vessel, *Cordella,* for illegally fishing off South Georgia. Her Panamanian registered owners are fined £1.8 million.

December 17th, two charter flights from Chile to the Islands are denied permission to fly in Argentine airspace.

"An Aerovias DAP Falcon, which had hoped to arrive at MPA on Sunday to pick up a Japanese film crew, did not receive clearance to over-fly Argentine airspace until Monday. Also on Sunday, a three engined King Air

804 *UN GA Decision 50/406*
805 *Penguin News* November 29, 1995
806 *cf.* 1994 & 2016
807 The immediate implication was that Argentina would be obliged to form a regional organisation with its neighbours, including the Falklands Islands Government. Argentina's Congress approved the resolution with law *25.290* of 2000 but the Executive has never ratified this law. See *La problemática jurídica y política de la cuestión Malvinas* Armando Daniel Abruza in *Malvinas: Una Cause Regional Justa* 2020 (CLACSO) pp.59-60

executive jet, chartered by millionaire Mr. Michael Ashcroft, believed to be one of Britain's richest men, was refused clearance by the Argentine authorities for a direct flight from Santiago to MPA. Permission was refused again after the plane had flown to Punta Arenas and it finally arrived at 6.15 on Sunday evening, some four hours later than planned, after being forced to avoid the problem by flying here via Cape Horn." [808]

In Buenos Aires, an opinion poll reveals that 76% of those interviewed believe President Menem's assertion that the Falkland islands will belong to Argentina by the year 2000.

Argentina's Foreign Minister di Tella, sends Christmas cards to 500 Falkland Islanders; containing a photograph of his grandchildren.

December 26th, the UK's Prime Minister, John Major, sends a Christmas message to the Islanders via the BBC's 'Calling the Falklands'.

> *"There's been no change and no compromise in the British Government's position. But, a more sensible relationship should produce benefits for all concerned and that has certainly been true over oil exploration. ... 1 would like to see closer co-operation with Argentina over fisheries. 'The fishing industry is vital to your economy so it's very important to improve conservation of the fishery resources that you share with Argentina. Fish, alas, pay no attention to national boundaries. I agreed with President Menem to work towards a longer term fisheries agreement, particularly to protect the stocks of squid. I hope that in the year ahead we will be able to achieve this because, if we can. it will be a encouraging step forward. ..."*

1996 – in **January**, from the Falkland Islands, an air link is established with Santiago, Chile, connecting to a British Airways Flight to London; subsidised by the Falkland Islands Development Corporation. [809]

January 3rd, the Government of Argentina issue a press release that starts; *"As we remember today the 163 years since the time when the Argentine people and authorities were forced out of the Malvinas, ..."* [810]

January 4th, at Stanley, *Penguin News* publishes a message from Argentine Foreign Minister, Guido di Tella.

> *"Another year has passed and I wish to share with you my assessment of the way in which the South Atlantic agenda has evolved in 1995. Let me start by expressing how satisfied I am that the Argentine and British Governments have managed to reach an understanding on hydrocarbons in the South West Atlantic. This has been achieved without any prejudice to the respective legal positions, and I am sure it can only bring about benefits for everybody involved. Fisheries conservation is another substantive area which has shown further progress. ... Indeed. 1995 has proved to be a fruitful year. However, there remains one aspect which seems particularly at odds with the developments I mentioned above: a lack of direct trade, communications and transport links between the Islands and the main land. Such links would no doubt be of benefit to everybody concerned. ... It remains very hard to understand why, after all the progress that has taken place, no substantial inroads have been achieved in this matter. Moreover, I am aware that there are many among you who would not mind having a moderate number of visitors to the Islands. ... Finally, I would like to assure you once again that we do care for your interests and that we do mind about your opinions. So, let us not act as though a fathomless gulf is keeping us apart. ..."*

808 *Penguin News* December 20, 1995
809 The service was operated by LAN airlines (now LATAM)
810 See January, 1995, above.

"… the Di Tella Management deployed the strategy of "seducing the kelpers", … it included personal gestures from Chancellor Guido Di Tella himself, who for years sent Christmas gifts to the islanders (photos with his grandchildren, letters and the book "The Little Prince" as a message of friendship, among other objects that the Kelpers sent mostly back). The basic principle of the policy devised by Di Tella was to win the sympathy of the islanders." [811]

"The policy of seduction of the islanders implemented by Guido Di Tella failed, since all attempts to ingratiate themselves with the islanders and approach them to gain their trust, had exactly the opposite effect. Sporadic New York encounters with the Falklands, dialogues via the BBC, correspondence sent, and interest in demining the islands were unsuccessful. Other actions such as the sending of Christmas gifts provoked mockery and irony on the part of the islanders towards Minister Di Tella; and other ideas caused outrage such as the proposal for financial compensation in exchange for a recognition of Argentine sovereignty." [812]

January 8th, at Stanley, Richard Peter Ralph is sworn in as Governor; reaffirming, in a speech, the commitment of the UK to uphold the right of the Islanders' to choose which flag they would be governed under.

"In negotiations to date, the Menem administration has shown an excess of good will which has not been reciprocated by the UK. This has caused backward steps, such as an insistence that Argentina 'abandon her claims of sovereignty as a prerequisite for any rapprochement', to quote a recent statement by Richard Ralph, newly appointed British Governor of the islands." [813]

"… trying to get the British today to agree to negotiate sovereignty in the way we negotiated it in the 1970s is destined for complete failure. And from the British Foreign Secretary on down, anyone consulted on the question of sovereignty over the Malvinas Islands responds: "The issue is off the table"." [814]

January 16th, in Buenos Aires, the British Embassy, in an *aide-mémoire,* outlines the UK position in relation to the fisheries around South Georgia and the South Sandwich Islands under the Convention on the Conservation of Antarctic Marine Living Resources; "*… article IV of the Convention, and the so-called Chairman's statement of 1980, recognize that parties to the Convention with islands within its area of application may exercise coastal state jurisdiction in respect of those islands…"* [815]

At Stanley, Mrs. Paula de Gall, daughter of the Argentine Foreign Minister Guido di Tella, arrives on holiday. [816]

"Before leaving the Falklands on Saturday, Mrs Paula de Gall (33) had an interview with Patrick Watts of FIBS, which has been widely reported in the Argentine press and may not have been exactly what her father, currently in Britain meeting British counterpart, Malcolm Rifkind, would have wanted to hear. In the Argentine newspaper Clarin, under the headline, "Di Tella's daughter's controversial opinions on the Malvinas", Mrs de Gall is quoted as saying that the Islands seemed "incredibly British". The visit by the Gall family was not one that most Islanders may have approved of, but Mrs Gall's willingness to speak as she found has caused many to consider it something of a public relations triumph for the Falklands. Councillor Sharon Halford was quoted in Clarin as saying that Chancellor Di Tella's policy had backfired if Mrs Gall was going to tell her father about our extremely British way of life. … Asked by Patrick Watts whether her father would be

811 Pereyra & Argento 2016
812 Mastropierro 2020.
813 Jose Octavio Bordon 1996 in *Argentina: Foreign Relations and the New Foreign Policy Agenda* Colin M. Lewis & Celia Szusterman (eds) 1996
814 *Diálogo con el Embajador Lucio García del Solar in Revista de Relaciones Internacionales* 1996 no.11, June – November
815 Part of the Antarctic Treaty System, this came into force on April 7, 1982. It is not limited to the defined Antarctic area.
816 Apparently accompanied by Conrado Etchebarne Bullrich, the Foreign Minister's unofficial bag-man according to an article in *Clarin* of March 9, 1998, and reproduced in *Penguin News* March 13, 1998

receptive to her comments about the Britishness of the Islands, Mrs de Gall said,"He's going to be receptive, but I don't think he is going to change his mind. I don't think he really knows what this is all about"." [817]

"We scored with the recent visit of the daughter of the Argentine Foreign Minister and his grandchildren. She came on a Swiss passport and had a good time, left the Islands impressed by their Britishness and her polite treatment, and appears to have changed her view. According to reports, she thinks that her father is wrong and should think again." [818]

"Senora Gall spoke excellent English, was transparently honest and may well have embarrassed her father by admitting that the place was far more British than she had been led to believe." [819]

January 30th, Her Royal Highness, the Princess Royal, Princess Anne, visits the Falkland Islands.

In London, following two days of preparatory negotiations, Britain's Foreign Secretary Malcolm Rifkind meets Argentine Minister di Tella.

"This was secret diplomacy of a high order... On 30th January... at a meeting with di Tella at Carlton Gardens, he indicated that Argentina was interested in a condominium solution for the Falklands. I said that this would be unacceptable as it implied shared sovereignty. He then indicated that, as part of their proposals, they might wish to advocate the decolonisation of the Islands, which would make them virtually independent while still having an ongoing defence Treaty with the United Kingdom. This was potentially more interesting if it would have enabled the Argentinians to withdraw their claim to the islands without too much loss of face..." [820]

Rifkind speaks to the British Prime Minister, John Major.

"We were both very sceptical but I was given authority to continue seeing di Tella and encouraging him to be more forthcoming. I was due to be in Brazil in April 1996 and agreed with di Tella that I would meet him on the Argentine side of the magnificent Iguazu Falls, which marked the border between Argentina and Brazil." [821]

February 1st, in London, Andres Cisneros, a Secretary of the Argentine Foreign Ministry, addresses an Institute of Latin American Studies conference. [822]

> *"A few words about our relationship with Great Britain. It is important to remember that the Malvinas is a sensitive issue for Argentines. Hence we must not allow a 'Malvinisation' of our foreign policy. We have an historic claim to the islands that we shall not waive. No Argentine government will abandon this claim.*
>
> *However, public opinion is fully aware that the main interest of Argentina, at this moment in our history, is economic partnership with our neighbours and membership of the global market. Yet the 'Malvinas paradox' exists.*
>
> *We have already seen how, for more than fifty years, one of our mistakes was to justify our isolation by the alleged or exaggerated existence of external hostilities. The suspicion was that imperialism or multinational companies had targeted Argentina and were responsible for our long decline. The general acceptance of this conspiracy theory freed us from the need to investigate whether or not our*

817 *Penguin News* January 31, 1996. FIBS is the Falkland Islands Broadcasting Station.
818 Falklands Councillor John Birmingham, interviewed in *Falkland Islands Newsletter* July 1996 no.66
819 *A Little Piece of England – My Adventures as Chief Executive of the Falkland Islands* Andrew Gurr 2011
820 *Power and Pragmatism* Malcolm Rifkind 2016
821 *Ibid.*
822 Cisneros 1996

problems might be due to our own mistakes. The government of President Menem is confronting this attitude.

We must regard the world as a place of opportunities and not as a source of hostility. The Malvinas paradox encapsulates this position of' confrontation with a world that does not understand us. The Malvinas issue was the perfect symbol of a bad relationship with the world at large.

Nevertheless, since 1833 six generations of Argentines have recognised the situation for what it is – an illegal and violent dispossession of national territory that lacks moral justification. Hence our claim has not wavered for a century and a half. Foreign aggression is unjustified but, as in the case of Malvinas, was real. And the consequences of that aggression still persist. Argentine governments of all persuasions – civilian and military – have attempted to find a solution to this continuing and painful- aspect of our relationship with Great Britain. We still await a reply from Britain." [823]

February 27th, responding to Britain's January 16th *aide-mémoire,* Argentina asserts that the; *"... only rules applicable to the utilization of Antarctic marine living resources in the area adjacent to South Georgia and the South Sandwich Islands are those laid down in the Convention on the Conservation of Antarctic Marine Living Resources and such rules adopted by the Commission ... as are currently in force."*

February 20th, in Buenos Aires, a first meeting of the South-West Atlantic Hydrocarbons Commission is held.

"The meeting took place in a constructive and cordial atmosphere, and both delegations expressed their confidence that cooperation on hydrocarbons in the south-west Atlantic would facilitate the economic development of the region, taking into special consideration the protection of the marine environment."[824]

March 4th, stories circulate in the Argentina press that two Argentine flagged fishing vessels have been stopped by the Royal Navy in South Georgia waters and forced to purchase fishing licences. In Buenos Aires, Argentina's Foreign Minister presents a *note verbale* to the British Embassy complaining; *"... against this action by Great Britain and condemns it as contrary to the Convention and general international law. It should be noted that action of this kind can give rise to international liability. ..."* [825]

March 5th, within South Georgia's seas, *Antonio Lorenzo*, a Chilean fishing vessel owned by *Pesquera Concar SA*, is caught fishing without a licence.

"Concerns expressed by members of the Falkland Islands fishing industry, that the case of the fined Chilean vessel, Antonio Lorenzo may have an unhelpful effect on relations between Chilean and Falkland Island companies, were described as being unfounded ... The fishing vessel prompting the concerns, was charged with fishing illegally in South Georgia waters and tried in the Falkland Islands, and has since become a problem for the Chilean Government due to the owner's refusal to pay the £367,000 fine and the subsequent handing over of all documentation pertaining to the case to the Government. The refusal to pay, by Concur 5/1, came as a result of the company's non-recognition of South Georgia's jurisdiction in the 200 mile limit imposed around the Islands, a stance urged by the Chilean Government." [826]

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823 A typically Argentine view of history.

824 Joint-statement quoted in *A/Ac.109/2048*

825 The rumours were untrue. A US chartered vessel, *Antarctic III*, registered in Buenos Aires, had received some advice from the Falklands fisheries protection officers and had then purchased a licence.

826 *Penguin News* July 31, 1996

March 14th, Argentina addresses a complaint to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

> *"The unlawful detention of a fishing vessel of Chilean registry, the Antonio Lorenzo, ... while it was engaged in fishing operations under the Convention ... and its subsequent escort to the Malvinas Islands, have had consequences that are prejudicial to the Convention and to the international system of scientific observation established thereunder.*
>
> *The Argentine Republic is informed that the CCAMLR international scientific observer designated by it for the purpose of performing tasks aboard the above-mentioned Chilean vessel has been taken to the Malvinas Islands, where he is deprived of his freedom of movement inasmuch as he is not allowed to leave the vessel, and his ability to communicate is severely restricted. The Argentine Republic wishes to point out that actions of this kind contravene the letter and the spirit of the Convention,..."* [827]

A population census reveals that there are 2,564 people on the Falklands, excluding military personnel and their families, but including 483 otherwise present in connection with the military garrison. [828]

In **April**, from London, Jeremy Dixon of British Atlantic Airways tells *Penguin News* that the Ministry of Defence have turned down his company's offer to run the air bridge from the Falklands to the UK. [829]

April 13th, in Iguazu, Argentina, the Foreign Ministers of the UK and Argentina meet; the first time that a British Foreign Secretary has been on Argentine soil since 1982. After the talks, a brief statement is made.

> *"Both parties agreed to hold consultations on South Georgia fisheries ... concerning the interpretation and application of the Convention. Both parties expressed their political will to resume conversations on a fisheries agreement for the longer term, putting emphasis on conservation."*

"Regarding the difficulty over South Georgia, Rifkind said, "We have had to make it clear that there could be no discrimination either for or against Argentina compared with other countries in the South Atlantic – that any country that wanted to fish in the South Georgia fisheries had to apply for a licence, and that licence is for conservation reasons". On the whole Rifkind felt that South Georgia was no longer seen as a source of friction or fundamental tension." [830]

April 17th, in New York, Foreign Minister Guido di Tella complains to the UN's Secretary-General regarding enforcement of fishing licences against Argentine trawlers off the coast of South Georgia by the UK.

> *"This morning the Secretary-General received the visit of the Foreign Minister of Argentina, Guido di Tella. The Foreign Minister informed the Secretary-General about the recent incidents in South Atlantic waters resulting from the United Kingdom's decision to enforce the collection of licence fees on Argentine trawlers fishing off the coast of South Georgia, south-east of the Falkland Islands (Malvinas). The Foreign Minister told the Secretary-General that he had already met twice with the Foreign Minister of the United Kingdom, Malcolm Rifkind, and that a settlement of the dispute over the question of licence fees had been in progress.*

827 The CCAMLR observer on board *Antonio Lorenzo* was an Argentine national.
828 See https://nationalarchives.gov.fk/jdownloads/People/Census Information Early Settlers/Report of Census 1996.pdf
829 *Falkland Islands Newsletter* July 1996 no.66. The reason given was that the MOD wished to maintain the link for strategic and military purposes.
830 *Penguin News* April 17, 1996

The Foreign Minister indicated his concern that the overall fragility of the situation might lead to renewed tensions. The Secretary-General expressed his hope that both Governments would continue with their dialogue for a peaceful settlement of all their differences in the area of the Falkland Islands." [831]

"According to the Argentine newspaper Clarin on April 18, the agreement of Malcolm Rifkind to negotiate the South Georgia issue within the context of the Convention of Marine Living Antarctic Resources (CAMELAR) "took the wind out of Di Tella's sails in New York". ... According to the same Clarin report, information from UN diplomatic sources has led to fear in Buenos Aires that growing calls from within the Decolonization Committee that the Islanders right to self-determination should be referred to in the resolution might finally be given formal expression." [832]

May 3rd, on Saunders Island, in the Falkland Islands, a plaque is unveiled in a ceremony attended by Governor Ralph. [833]

AT THIS PLACE
PORT EGMONT – SAUNDERS ISLAND
ON
JANUARY 23RD 1765
COMMODORE THE HON JOHN BYRON OF HM FRIGATE 'DOLPHIN' IN COMPANY WITH THE FRIGATE 'TAMAR', TOOK FORMAL POSSESSION OF THE FALKLAND ISLANDS.
"THE UNION JACK WAS ERECTED ON A HIGH STAFF AND BEING SPREAD I NAMED THE WHOLE OF HIS MAJESTY'S ISLES WHICH I CLAIMED FOR THE CROWN OF GREAT BRITAIN, HIS HEIRS AND SUCCESSORS."
"THIS IS ONE OF THE FINEST HARBOURS IN THE WORLD. THE WHOLE NAVY OF ENGLAND MIGHT RIDE HERE IN PERFECT SECURITY FROM ALL WINDS."
NINE YEARS LATER AS PART OF AN ECONOMICAL NAVAL REGULATION THE GARRISON WAS WITHDRAWN. A LEAD PLAQUE CLAIMING BRITAIN'S SOVEREIGNTY OVER THE ISLANDS WAS AFFIXED TO THE BLOCKHOUSE DOOR.
"BE IT KNOWN TO ALL NATIONS
THAT FALKLAND'S ISLANDS WITH THIS FORT, THE STOREHOUSES, WHARFS AND HARBOURS, BAYS AND CREEKS THEREUNTO BELONGING ARE THE SOLE RIGHT AND PROPERTY OF HIS MOST SACRED MAJESTY, GEORGE THE THIRD, KING OF GREAT BRITAIN, FRANCE, AND IRELAND, DEFENDER OF THE FAITH. IN WITNESS WHEREOF THIS PLATE IS SET UP, AND HIS BRITANNIC MAJESTY'S COLOURS LEFT FLYING AS A MARK OF POSSESSION.
BY S.W. CLAYTON
COMMANDING OFFICER AT FALKLAND'S ISLANDS
A.D. 1774"
DAVID TATHAM CMG, GOVERNOR 1996

"At this place

Port Egmont – Saunders Island

On January 23rd 1765

Commodore the Hon John Byron of HM Frigate 'Dolphin' in company with the Frigate 'Tamar', took formal possession of the Falkland Islands.

"The Union Jack was erected on a high staff and being spread I named the whole of His Majesty's Isles which I claimed for the Crown of Great Britain, His heirs and successors."

"This is one of the finest harbours in the world, the whole navy of England might ride here in perfect security from all winds."

Nine years later as part of an economical naval regulation the garrison was withdrawn. A lead plaque claiming Britain's sovereignty over the Islands was affixed to the blockhouse door.

"Be it known to all nations.

That Falkland's Island with this fort, the storehouses, wharfs and harbours, bays and creeks thereunto belonging are the sole right and property of His Most Sacred Majesty, George the Third, King of Great Britain, France, and Ireland, Defender of the faith, in witness whereof this plate is set up, and His Brittanic Majesty's colours left flying as a mark of possession.

By S.W. Clayton

Commanding Officer at Falkland's Islands A.D. 1774"

831 *SG/SM/5962*

832 *Penguin News* April 25, 1996

833 Commissioned by Governor Tatham before his transfer to Sri Lanka. The heading on the plaque is a little misleading in that the harbour of Port Egmont was the body of water between Saunders Island, Kepple Island and West Falkland. It was not restricted to Saunders Island despite assertions by some Argentine authors. *cf.* 1765, 1774 & 1910

May 8th, the UK writes to the Commission for the Conservation of Antarctic Marine Living Resources.

> *"The arrest of the vessel (Antonio Lorenzo) did not infringe in any way the rights of the CCAMLR scientific observer who was on board at the time. The presence of such an observer affords no immunity to the vessel in respect of infringements of the Convention conservation measures or national legislation enforcing them. In view of the immigration regulations, the observer in question was asked whether he wished to leave the Falkland Islands by air or remain on board the vessel until it sailed. The United Kingdom kept the Argentine Government in touch with developments. The observer chose to remain on the vessel. During that time he was free to communicate by any means available to him."* [834]

May 9th, from Stanley, Graham Bound submits an article to *MercoPress* in Montevideo entitled: *The Malvinas Manifesto – Small Islands Detail their Big Ambitions*.

"It was based on The Future of the Falkland Islands published by Councillors with the backing of the British Government. This expressed the hope of increasing the population, moving to independence, and changing public opinion regarding the Falklands in Argentina. Included were the words "future self-government and secure independence for the Islands". Bound's article provoked a storm in the Buenos Aires newspapers. ... Argentines saw the publication as a 'Manifesto', proof that Guido di Tella's charm offensive towards the Islanders had failed." [835]

May 14th, in the UK, the *Guardian* newspaper reports on the visit of a British veteran to Argentina. Ken Lukowiak, an ex-paratrooper, was forced to flee Argentina after being besieged in a restaurant by mothers of some of the sailors who died when ARA *General Belgrano* was sunk in 1982. [836]

"Lukowiak's book entitled 'A Soldier's Song gives a no-holds barred and very personal account of his service with 2 Para in the Falklands War. It was published in Britain in 1993, but has just been released in Argentina, where his description of shooting an Argentine soldier shortly after the cease-fire was declared, has led the Argentine veterans' association to call on Sunday for the General Prosecutor to charge Mr Lukowiak with war crimes." [837]

May 24th, interviewed on Falklands radio, Governor Richard Ralph confirms that there is no foundation to Argentine press stories of a rift between Falklands Councillors and the British Government regarding a reference to independence in a recently published policy document – *The Future for the Falkland Islands*.

"The real issue at stake, he said, was whether a reference to the Falkland Islanders' right to self-determination would at last become part of the formal motion before the United Nations Decolonisation Committee. All the rest was "media hype" designed to obscure the issue and defeat this legitimate aspiration, which the British Government fully supported." [838]

"It is true that the islanders seek greater autonomy and consider themselves excessively dependent on London, especially now that they have more resources from fishing revenues, but they are retaining British support for the islands' defense. They believe the islands are threatened by Argentina. They were deeply traumatized by

834 *UN Document A/Ac.109/2048*
835 Elgood 2025
836 For a personal account, see https://kenlukowiak.wordpress.com/2014/05/09/ambush-in-argentina-a-falkland-veterans-trial-by-television-pt-1-of-3/
837 *Penguin News* May 15, 1996. No crime had been committed. An Argentine soldier, unaware of the ceasefire, pointed a gun at Lukowiak, and the paratrooper fired in defence. See also August 16, 1992, above.
838 *Penguin News* May 29, 1996

what happened in 1982 and lack confidence that political conditions in Argentina will be strong enough for them to be able to dispense with British military support. This greater autonomy could bring them closer in the long term to a situation like that of Puerto Rico; but not to total independence, which would cause problems for the United Kingdom itself due to the damage to bilateral relations with Argentina." [839]

June 13th, in London, at the annual Falklands Reception at Lincoln's Inn, Miss Sukey Cameron, the Falkland Islands Government Representative; *"... condemns the recent "offensive and most unwelcome" rhetoric from Argentina, and warns that: "any Argentine who seriously believes that there is the faintest hope of gaining sovereignty over the Falklands, by the year 2000, or at any other time, obviously lacks any understanding of the issues involved and the depth of feeling of both Islanders and the British people."* [840]

July 1st – 3rd, bidding opens for Falklands oil licenses.

> *"A heavy blend of hype from the press and hope from FIG and would-be investors accompanied the run-up to the opening of bidding in the Falkland Islands first oil licensing round this week... Bidding in this first Falkland islands oil licensing round will now close on Wednesday July 3rd 1996, at 5pm London time according to an FIG spokesperson at the Stanley Secretariat."* [841]

"When the bidding stopped ... the government had received applications on ten tranches, just over half the area on offer and the equivalent of approximately sixty-eight North Sea blocks. Bidding came from fourteen companies in six consortia, representing in all some ten countries, including the USA, Italy, Holland, Japan, Belgium, Argentina, UK and, of course, the Falkland Islands. ... The bids for licenses will now be evaluated..."[842]

"The bids dropped through the letterbox at Falklands House in London. There were a few more than we had anticipated, but the spread of interest was such that my theory of geologists always reaching different conclusions was sorely tried. Almost all the bidders wanted the two tranches at the north of our northern blocks." [843]

In Buenos Aires, newspapers report a change of attitude towards the Islanders by Argentina's Foreign Ministry.

"An article in the Buenos Aires newspaper Clarin entitled "Farewell To Seduction", claims that Argentina's Foreign Minister, Guido di Telia, has promised to harden his country's position after spending six fruitless years "trying to seduce the Kelpers". The article goes on, "From now on unilateral goodwill gestures are over and hard bargaining begins". Di Telia intends to negotiate a long-term fishing agreement in the South Atlantic in exchange for a renewal of communications between the Falkland Islands and Argentina. The article also claims that, whilst in New York to attend a meeting of a UN body discussing the sovereignty issue, Di Telia has welcomed an about-turn made by Papua-New Guinea. Last year they had threatened to present 'the Kelpers' claim; now Papua-New Guinea have stated they will cosponsor a draft resolution by Chile, Cuba and Venezuela asking Argentina and Britain to renew sovereignty negotiations without accepting the Kelpers' alleged right to self-determination." [844]

July 22nd, at the UN, the Special Committee on Decolonization considers the Falkland Islands NSGT. Councillors Eric Goss and Richard Stevens represent the Falkland Islands people. Petitioners Luis Gustavo Vernet, Ricardo Ancell Patterson and Alexandro Betts speak for Argentina.

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839 *Diálogo con el Embajador Lucio García del Solar in Revista de Relaciones Internacionales* 1996 no.11, June – November

840 *Falkland Islands Newsletter* July 1996

841 *Penguin News* July 3, 1996

842 *Penguin News* July 10, 1996

843 Gurr 2011

844 *Penguin News* July 24, 1996. What/how much, Papua New Guinea's change of heart cost Argentina is unknown

Argentina's Foreign Minister, Guido di Tella, also addresses the meeting.

> *"It has been precisely defined that, regarding the Malvinas Islands issue, there is, in the first place, a sovereignty controversy over the Territory. In the second place, that in this controversy, from the legal point of view, there are only two parties: Argentina and the United Kingdom... which discards the possibility of applying the right to self-determination, in this case...."* [845]

Chile introduces a draft-resolution which is adopted without a vote; *"At the meeting, the Committee adopted a resolution reiterating its view that the way to end the dispute over sovereignty between Argentina and the United Kingdom was through a peaceful and negotiated settlement. The Committee requested those two Governments to resume negotiations..."* [846]

"... councillor Norma Edwards declared herself disappointed but not surprised at the conclusion of the United Nations Decolonisation Committee earlier this month. The meeting, which took place on July 22, and was attended by Councillors Stevens and Goss, resulted in the member countries agreeing a resolution urging that Britain and Argentina resume talks regarding the sovereignty of the Falkland Islands. The resolution was passed despite the earlier support for the Islands given by Ambassador Soman a (Chairman of the Committee of 24, and Papua New Guinea's Ambassador to the United Nations) at the Pacific Regional Seminar attended by Mrs Edwards in June. At that meeting, Ambassador Somana agreed to put forward, at the next meeting, the recommendation to amend the annual motion to include the recognition of Islanders rights to self determination'. This did not occur and Papua New Guinea supported the resolution to urge the resumption of talks. Amongst the possible reasons suggested for the change of attitude, Mrs Edwards drew attention to the claim that Papua New Guinea is presently resisting the attempt at gaining independence from themselves by the 100,000 strong Buka tribe on Bougainville Island. The Bukas are trying to make their own case for self determination at the United Nations. Councillor Edwards said the constant lobbying by Argentina since the June meeting must have had the desired effect and suggested the way forward for the Islands, with regard to countering such lobbying, may be to invite representatives of member countries to the Falkland Islands to see our way of life for themselves." [847]

"Carlos Escudé defends the recently made statements of the foreign minister when he says that "the advisable measure in the immediate future is to firmly reject the principle of self-determination of the islanders. Consequently, the Government's policy is correct even if it is mistaken regarding the premise that the Malvinas are recoverable and that their independence must be avoided"." [848]

July 23rd, Sir Rex Hunt, Chairman of the Falkland Islands Association, also becomes Deputy-Chairman of Desire Petroleum, taking 0.8% of shares. [849]

July 24th, *Penguin News* reports: *"Chief Executive, Mr Andrew Gurr, will... chair the next stage in the allocation of oil licences. He will head a panel formed to interview the six consortia who have already applied for licences in the Falklands oil round. ... Preparation, interviews and reviews, said Mr. Gurr, will take five weeks..."* [850]

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845 *UN Document A/Ac.109/2083*
846 *UN Year Book 1996. S*ee - https://documents.un.org/doc/undoc/gen/n96/187/09/pdf/n9618709.pdf
847 *Penguin News* July 31, 1996
848 Romero 2020 citing Escudé 1996
849 Elgood 2025. See also *Express on Sunday* April 26, 1998
850 *Penguin News* July 24, 1996

August 28th, the *Penguin News* reports:

> *"The Argentine newspaper La Prensa recently carried a wide ranging interview with HE the Governor in which he "puts across succinctly Her Majesty's Government's views on a number of Falklands-related subjects". The interview was conducted by Graham Bound and Harold Briley, and in response to to questions the Governor was reported as saying, "The outcome of the Committee of Twenty-Four meeting had been disappointing in its failure to recognise the Islanders' right to self-determination. The Falkland Islands Government would probably continue to participate in the annual Committee of Twenty-Four exercise, but only after evaluation of this year's result. Her Majesty's Government regarded the Committee of Twenty-Four as an anachronism.*
>
> *He went on to say, "Britain hoped that relations with Argentina would not deteriorate as a result of the supposed hardening of di Tella's South Atlantic policy. Much had been achieved in recent years on fish and oil, but Argentine nationals would not be able to enter the Falklands on Argentine passports as long as their country maintained its claim to Falklands sovereignty. Menem's claims about the year 2000 did not help"..."* [851]

September 22nd, in New York, at the opening session of the UN, Guido di Tella addresses the Assembly.

> *"It is incomprehensible that while Argentina and the United Kingdom have overcome the sorrow and have left behind their mutual disagreements and distrust and built up a harmonious and constructive relationship ... they have not so far been able to comply with the resolutions of the General Assembly and of the Decolonization Committee and to progress in the dialogue towards a definitive solution to this dispute. We have not even been able to sit down together around a table to talk, even if only to express our disagreement."*

September 23rd, the UK responds to Di Tella's UN comments.

> *"In the Falkland Islands we must heed the wishes of the people. Many families trace their ancestry in the Falklands back for five or six generations... they have stated their belief in their right to self-determination to live under a government of their choice and, ... they have reiterated their view that they do not want to be part of Argentina."*

October 25th, the General Assembly defers consideration of the question of the Falklands for another year. [852]

October 28th, from the Falkland Islands, the FIG unilaterally issues oil licences. [853]

October 30th, Argentine newspapers report that British diplomats have twice warned that the YPF/British Gas bid for oil tranches north of the Falklands are considered to have been badly drawn up. *Clarin* describes this as a *"setback"* for Minister Di Tella.

Seven production licences, covering 12,000 square kilometres, are awarded to 14 oil companies as a result of the competitive bidding round. Argentine oil company YPF, with its partner British Gas, is not awarded a licence for *"technical reasons."* Nells Leon, head of YPF issues a statement saying that the rejection of the YPF/British Gas bid was; *".. a commercial question, and not an act of discrimination against Argentina."*

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851 *Ibid.* August 28, 1996
852 *UN GA Decision 51/407. cf.* 1989
853 Elgood 2025

"The points system produced a clear result but there were political problems attached. One of the consortia had consisted of British Gas and the Argentine company YPF. For technical reasons, that particular bid did not score as many points as the competition in the tranches they wanted. Yet, we would dearly have liked the Argentines to be involved from the stability point of view. We were stuck with our own rules. ... For the sake of consistency, we had to deny Argentine involvement." [854]

November 13th, in Stanley, *Penguin News* reports:

> *"And as the dust slowly settles after the first licencing round, ... The initial surprise for many was. perhaps, the revelation that the award of the first exploration licences will not signal the beginning of an on-going cash bonanza for the Islands. Indeed, with the costs of administration and "buying" in expertise to help monitor the activities of the operating companies our newly formed Department of Oil is expected to lose, rather than make, money in the early years. ...*
>
> *Oil Director, Phyllis Rendell. does not believe the exploration phase is a passport to a speedy fortune for anyone. ... She is particularly concerned about published information. "One of Government's difficulties." she said, "is in ensuring the public are not misinformed. We have to remember we are still dealing with a hypothetical situation. and will be until and unless hydrocarbons are discovered."*
>
> *Phyllis went on to reiterate the present Council's stated backing of the plan to make contributions to Britain to help defray the cost of defending the Falklands. This will only happen once sufficient financial collateral exists to ensure the Islands can afford the gesture."*

In London, in the House of Lords, the question of land mine clearance in the Falklands is addressed.

> *"... about 4,300 landmines have been cleared since the end of hostilities in the Falklands. We believe that there are still around 26,000 landmines in nearly 120 separate minefields, covering some 20 square kilometres of ground... There is currently an eight-strong team in the Falklands spending half their time on minefield inspections, repairing fences around them and disposing of landmines. The cost of personnel for this team is £176,000 per year. ... there are many quite major difficulties associated with mine clearance. But, principally because of the difficulties involved in detecting the mines, many of which are plastic, and the dangers to the personnel involved, a decision was made to cease the clearance operations in 1984 and to mark the minefields clearly instead.*
>
> *The Government and the Falkland islanders welcomed the offer first made in December 1993 by the Argentines to pay a third party to de-mine the Falklands. We are looking forward to discussing the next steps with the Argentines and with the United States, who have agreed to manage the project should a practical way forward be agreed. We hope that it can. ... I believe that the Argentines have been as helpful as they can be. However, the problem has been a distinct lack of detailed records. We know the approximate area of the minefields and they have been fenced off, but we have very little precise knowledge of where the mines were laid."* [855]

November 20th, in Buenos Aires, the 11th meeting of the South Atlantic Fisheries Commission commences.

In **December**, in Stanley, visiting Labour Party MP, Tony Lloyd, addresses an open meeting regard actions his party would take if elected to government.

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854 Gurr 2011
855 Earl Howe in *Hansard November 13, 1996 cc936-937*

"Talks, he said, "are in the interests of Britain. the Islanders and the Argentinians, and on that basis we will continue to have a meaningful dialogue". Mr Lloyd was outspoken in his support of closer contacts between the Falklands and Argentina saying, "I do believe that there should be a normalization of relations", but he denied that a Labour Government would attempt to set up an air-link between the Islands and Argentina. He noted however, that, "It's a matter of physical geography that the closest landing point is in Argentina". Mr Lloyd described the present FIG stipulation which bans Argentine passport holders entering the Islands as, "an absurd anomaly", saying that tourism to the Islands would improve if the ban was lifted.

He urged Islanders to, "look at the circumstances under which Argentinians visit the Islands., because in the end it is bizarre that the geographically closest neighbour to the Islands has such a disastrous relationship". ..." [856]

December 10th, in London, the South-West Atlantic Hydrocarbons Commission meet. A decision is made to pursue the issue of licences for seismic exploration in the Special Cooperation Area that straddles the border between British and Argentine territory. [857] Target date is set for December, 1997.

In a Christmas Message, Britain's Prime Minister sends assurances to the Islanders; *"Our developing relationship with Argentina will not be at the expense of Britain's unchanging commitment to the Falkland Islands..."*

From Buenos Aires, Argentina's Foreign Minister, gifts a book – *The Little Prince* – about a boy who lives on a planet no larger than a house, to the Islanders

December 29th, in the Argentine province of La Rioja, President Menem mentions the possibility of sharing sovereignty over the Falkland Islands with the British. [858]

1997 – January 2nd, in the Falkland islands, Britain's Secretary of State for Defence, Michael Portillo, visits Port Stanley. He assures the Islanders that the UK is not prepared to discuss sovereignty. [859]

"..."It was important", suggested the Minister, that the Islands and Britain, "arrive at an agreement about what would happen in the event of oil being found". It would be easier, he felt, to arrive at a formula now, before exploration began, because later on, "focus would change and emotions would be running high". While the Islands Government are suggesting a contribution relating to defence, said the Minister, the British Government would prefer a formula which, "should bear some relationship to the size the oil reserves turn out to be and how much revenue it generates". [860]

January 3rd, Argentina issues its now annual press release, that starts; *"On the 164th anniversary of this illegal and illegitimate occupation,.."*

January 10th, in the UK, Falkland Island Councillors Halford and Summers arrive at Chevening in Kent.

"The Argentinians had a new idea. "What they wanted to propose was that the Falklands ... should cease to be a British colony but not become part of Argentina", said Rifkind, "They would become, in effect, independent". [861]

856 *Penguin News* December 4, 1996. Britain's Labour Party promptly sent messages of reassurance to Falklands Councillors stating that sovereignty would never be discussed.
857 *UN Document A/Ac.109/2083*
858 Romero 2020
859 *UN Yearbook 1997*
860 *Penguin News* January 4, 1997. The UK government clearly being aware that any oil belonged to the Islanders.
861 *The Evening Standard* July 21, 2016

Leading the British contingent is Foreign Secretary Malcolm Rifkind and Falklands Governor Richard Ralph. Foreign Minister Guido di Tella heads a Argentine delegation, which includes Ambassador to the UN, Fernando Petrella, Ambassador to London, Rogelio Pferter, and the Foreign Policy Under-Secretary, Alberto Daverade. Also two legal advisers.

"The substance of their proposals was that the Falkland Islands should become self-governing … They suggested that while there would be a British 'Lieutenant Governor', there would also be an Argentine 'Vice-Governor' and that they should be allowed to fly the Argentine flag in several places on the islands. They felt that they were unable to remove from their Constitution their claim to the islands, but it might be possible to say that it had been 'superseded'. I made it clear, in very blunt terms, that if their Constitution retained their claim to the islands we were wasting our time. Di Tella did not seem surprised and said that he would report our view to his President. By the end of the day it was agreed that we would prepare our draft text of a possible agreement and that they might produce theirs." [862]

January 11th, talks at Chevening continue; *"The following day di Tella said that our text was unacceptable. I said that we needed to see their alternative. We knew di Tella's officials were unhappy about the talks and were worried that their personal positions might be compromised if it emerged back home that they had been party to talks about ending the Argentinian claim to the islands. I made it clear to di Tella that we could not proceed further unless there was an Argentinian paper before us with their proposals. They were reluctant to put anything on paper, but that was too bad. Di Tella agreed to produce a draft. At 5.30pm on Saturday, di Tella asked to see me alone. We went to the Tapestry Room and he handed to me their draft. What happened next was pure farce. Di Tella acknowledged that at least four passages in their text would be completely unacceptable to the United Kingdom and to the Islanders. He then identified them for me. They all referred to Argentinian sovereignty of the islands, Argentine responsibility for the Falklands' external affairs and the like. Di Tella said that they had been included to protect him and his colleagues in case the document leaked. He expected me to reject them and when I did no further reference would be made to them."* [863]

A review of the Argentine proposals by the Foreign Secretary and Island Councillors leads to an agreement that it is "*hopeless*." Councillors Sharon Halford and Mike Summers withdraw.

"On leaving, one Falklander gave di Tella a photograph of her home, saying it was the "only part of the Falklands he was going to get". A picture tells a thousand words." [864]

"… interesting times; a lot of preparatory work led up to the meeting at Chevening. Not sure we believed there would be a proposal to drop the claim, but Councillors agreed there had been enough substance to make a meeting worth a try. There seemed to be three sides; us on one, the Argentine delegation on the other, and Di Tella in the middle trying to find mechanisms that would in effect give up the claim, but provide enough "window dressing" (his words) to persuade Argentines that he had not. Clearly it did not work" [865]

"Guido di Tella hesitated, but one of his officials refused to sign and had an argument with his boss." [866]

"From the point of view of the United Kingdom, the proposal was not well received because according to Rifkind, "the fine print required an Argentine vice-governor, which would have meant shared sovereignty". … Indeed, the illegitimate governor of the Malvinas Islands and two island councillors had arrived with the idea

862 Rifkind 2016
863 *Ibid.* None of the texts have been published.
864 Rifkind quoted in *The Evening Standard* July 21, 2016
865 In conversation with Councillor Mike Summers July 25, 2016
866 *Falklands: reserved negotiations and attempts by Argentina and the United Kingdom to reach an agreement* Juan Bautista Yofre in *Infobae* December 9, 2019

that our country was going to publicly renounce its claims to sovereignty and that what was said there would be secret." [867]

January 12th, in Argentina, the supposedly secret Chevening meeting leaks to the press.

"The meeting got huge publicity in Argentina ... But, the original Argentine offer to cede its sovereignty claim was never mentioned at all. Instead it was described in Argentina's popular press as if British sovereignty were under discussion, as marking the end of the sovereignty "umbrella" agreement and as establishing a precedent for sovereignty discussions ... The meeting went completely unreported in Britain." [868]

Argentine newspapers suggest that the Chevening talks have set a precedent for Argentina to discuss sovereignty.

On his return to Buenos Aires, Guido di Tella is quoted.

> *"After the change of Government in Britain, I will let some time elapse and then I will knock on the new Foreign Secretary's door to insist on the same: sovereignty."*

When informed that the Labour Party are saying that they will not discuss sovereignty, Di Tella responds; *"That is what they say before elections."*

January 22nd, at Fish Creek in the Falkland Islands, fifteen next-of-kin visit the Argentine Military Cemetery.

"It is an out-of-the-way place. A special track from the Mount Pleasant to Darwin Road, itself only a larger track, brings one to an area that is effectively hidden from any nearby vantage point. The view is only of the gentle rolling whitegrass slopes and the white fenced cemetery." [869]

January 27th, from Buenos Aires, Britain's Ambassador, William Mardsen, telephones the Argentine Ambassador in Switzerland, Guillermo González. Mardsen tells González that he has not informed the British Foreign Secretary of the call, but wonders if there is any way to move the failure at Chevening forward. He mentions a rumour that there had been another document that Argentina had not presented to Rifkind. González tells the British Ambassador that there had been a proposal to 'freeze' the dispute for a period of time.

> *"WM: Should we expect a document on freezing?*
>
> *GG:... I do not see the use of a new document. You are not helping your friends and you are not serving the interests of your country well.*
>
> *WM: Has Guido Di Tella been shaken by the lack of results in Chevening?*
>
> *GG: Well, he's not eternal and you're certainly not helping. He needs an achievement, something we can call a success, his personal success. He plans to go to the islands (with his Italian passport). He is ready to limit his pious presence in the Argentine cemetery or, if allowed, could continue his pilgrimage to Stanley and even the Council to explain live the Argentine position.*
>
> *WM: It's a difficult time. I do not see it possible. I strongly recommend that you do not."* [870]

867 Romero 2020.The Islanders would appear to have got that 'idea' from the Foreign Office which had set up the meeting. Something clearly got lost in translation. Romero also refers to a 1946 Foreign Office research paper which he says was circulating at the time of the Chevening meeting. Romero claims that this document justified Argentina's claims that the 1833 ejection of an Argentine garrison was illegal. A dire piece of Foreign Office research, almost totally based on a 1927 book. Long out of date, I can only assume that in 1997, it had just been released to the British archives (*FO AS 5728/311/2*). See 1927 and 1946.

868 *Falkland Islands Newsletter* February, 1997

869 Gurr 2011

870 *Malvinas: las negociaciones reservadas y los intentos de Argentina y Reino Unido por llegar a un acuerdo* Juan Bautista Yofre in *Infobae* December 9, 2019. Unconfirmed. This is the only source for these conversations.

January 28th, from Geneva, González informs di Tella of his telephone conversation with Mardsen. They conclude that the British Ambassador would not have acted without authorisation.

January 30th, Guido di Tella speaks again to Ambassador González.

"On this occasion, the Argentine Foreign Minister told him that he had spoken by telephone with Malcolm Rifkind and that the conversation had "the convenience of a confidential meeting between the two". The British Foreign Minister asked di Tella what new ideas he was thinking and the answer was that it would be a "variation of the freeze, designed to last forever." Both ministers agree that González and Madsen talk again personally." [871]

At Stanley, a Foreign Office representative arrives; *"On the subject of oil revenue. Mr Longrigg was adamant that it was not the British Government's intention to pressurise the Islands' council into quickly reaching a deal However, he added, it would be easier to reach an agreement before oil was discovered and without the added pressure of the press interest which would result if oil was already in sight. Not to reach an "agreement in principle", before the discovery of oil could, said Mr Longrigg, result in a great deal of friction later on. Suggesting that it was easier to reach an agreement without the emotion which would be caused by the presence of actual revenue."* [872]

February 20th, in the Falkland Islands, a further fifteen Argentine next-of-kin visit the Military Cemetery.

"The fifteen relatives, mainly consisting of brothers and sisters of the deceased soldiers, were taken, as before, to Darwin Lodge, accompanied by two Falkland Islands Government representatives. The programme included a visit to the cemetery on the 20th, one night spent in Darwin Lodge, and a second visit to the cemetery the following morning." [873]

March 7th, in London, an Argentine delegation in the UK seeking oil business contacts in Aberdeen, arrive unannounced at Falkland House. The delegation consists of Jorge Gomez of the Argentine Embassy in London, Jose Corchuelo Blasco, the National Deputy for Chubut, Dr. Marcelo Guile, Mayor of Comodoro Rivadavia, and their advisors. [874]

April 2nd, in the UK, the South Atlantic Medal Association (SAMA) is formed. Membership is open to all members of the armed forces who fought in the Falklands War, the next-of-kin of those that died and the Falkland Islanders. [875]

"The South Atlantic Medal was awarded by Her Majesty's Government to all those who took part in the fight for liberation of the Falkland Islands and South Georgia in 1982. The main focus of SAMA 82 is to maintain and promote a sense of comradeship amongst all veterans of the South Atlantic campaign, as well as re-establishing and strengthening links with Falkland Islanders. The Falkland Islands Government agreed to fund the cost of Islanders membership to the Association. SAMA 82 will build and develop contact with other organisations involved in the welfare of the armed forces." [876]

April 3rd, from Buenos Aires, the British Embassy informs the Falklands' Governor of a proposal by Argentine Parliamentarians to visit the Islands in order to pay homage to the dead at the Military cemetery.

871 *Ibid.* There appear to have been further conversations between Mardsen and González, but with no particular result. However, see October, 1997, below.
872 *Penguin News* February 14, 1997
873 *Penguin News* February 21, 1997
874 They were allowed a meeting with Representative Sukey Cameron, but I can find no record of what was discussed.
875 In April, 2022, all South Atlantic medal holders who served in the Falkland Islands were awarded the Freedom of the Falkland Islands
876 *Falkland Focus* September 1997

April 8th, on the 15th anniversary of its sailing, Margaret Thatcher makes a speech aboard HMS *Canberra*.

> *"Some of the world was astonished. It (the war) also had an effect on East-West relations. I remember a Russian General coming to see me and saying, "... we Soviets never thought you would go to fight. And if you did go we thought you would lose." Diplomacy was clearly not his strong suit. It wasn't mine either. I said rather tartly "Britain doesn't lose."..."*

Argentine Defence Minister Jorge Dominguez speaks to *Jane's Defence Weekly*.

> *"The transfer of the Malvinas Islands to Argentina through diplomatic means will be assured by the outcome of the election in the United Kingdom next week."*

The British Labour Party MP, Robin Cook, responds in the *Sun* newspaper; *"We have never made this promise, and we never would."* [877]

"The use of the Malvinas Question with such virulence in the UK election campaign would have been the last thing Foreign Minister Di Tella wanted, as it would have damaged any progress and put any possible negotiations on the issue of sovereignty on ice." [878]

May 1st, in the UK, following a General Election, a Labour Party government is formed, led by Tony Blair.

"In a letter to the new Prime Minister, the Islands' councillors congratulated Mr Blair on his momentous victory, saying "We look forward to working with your government, and extend our good wishes for your period in office."." [879]

May 6th, in Buenos Aires, Defence Minister Dominguez speaks to journalists about the election of a left of center administration in Britain; *"(This has) prompted great expectations among Argentine officials concerning the possibility that London may agree to begin talks about the sovereignty of the Malvinas Islands."*

May 8th, in an Argentine newspaper, *La Nacion*, Foreign Minister Guido di Tella is reported as claiming that the Argentine flag will fly over the Falklands by the year 2000, albeit possibly as part of a joint sovereignty arrangement; *"Although the British said No, that opens vast possibilities."*

May 29th, in the UK, Peter Westmacott, Director (Americas) for the Foreign Office, is reported as saying; *"...increased contacts between Argentina and the Falkland Islands ... should be those which are in the interests of the islands, such as oil and fishing... it is for the Falkland islands Government to prescribe. ... On the issue of oil revenue, Mr. Westmacott hoped that councillors would be able to meet with representatives of the British Government in the next few months to discuss how they could reach an agreement with which both parties were happy. ... However, an agreement of some sort was, he felt, needed, as he did not wish to see the symbiotic relationship of the Islands and Britain upset by this issue."* [880]

In **June**, Minister di Tella is quoted in Argentina's press; *"We are fully aware that no British government will ever take a substantive decision on this issue without the approval of the islanders. The islanders have acquired a de facto veto. It's them we have to convince."*

"Di Tella did not accept the Islanders' right to self-determination, but he was conscious of the fact that if Argentina did not succeed in making itself an attractive country, it would be impossible to get the British Government and Parliament to accept a transfer of sovereignty." [881]

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877 However, see comments by Labour MP George Foulkes May, 1987 & September, 1989
878 Romero 2020
879 *Penguin News* May 9, 1997
880 *Penguin News* May 30, 1997
881 *Why the Falkland Islands will never be Argentine* Carlos Escude 2003.

In London, the South Atlantic Council prepares a proposal for the newly elected Labour government – *The Falkland Islands: The Options for the Future*. [882]

> *"After the general election in Britain on 1 May 1997, the South Atlantic Council decided to appeal to the new Labour government to re-examine policy towards Argentina. In particular, the Council questioned the refusal of the previous government to countenance any discussion with Argentina that might be considered to affect the sovereignty of the Falklands."* [883]

Among the South Atlantic Council's suggested 'options' are: ● *A Permanent Umbrella: the current sovereignty umbrella would be enshrined in a bilateral treaty that provides new permanent institutions to promote co-operation;* ● *Independence: the Islands would become a sovereign state in their own right;* ● *Integration with Argentina or with Britain: the Islands would become a full and equal part of one country, forming a single constituency to elect one member of the appropriate legislature;* ● *Shared Sovereignty: Argentina and Britain would create joint institutions to exercise the role of the current Governor and to represent the Islands in international diplomacy;* ● *Lease-Back: title to the Islands would be transferred to Argentina and then effective control returned to Britain for a fixed time period.*

The Falkland Islands' Association responds.

> *"Falkland Islands Association believes: that the Argentine claim to the Falkland Islands, South Georgia and the South Sandwich Islands is spurious; that the Falkland Islanders have the right to self-determination, which means a government of their own choice; that it is not to their advantage to 'adjust their current position', as the South Atlantic Council asserts; that a permanent peaceful settlement has to be acceptable to the Falkland Islanders, and that this requires the Argentine government formally to renounce its claim; and the British government to preserve the status quo until it does."* [884]

Regarding the 'option' of a permanent sovereignty umbrella, the Association adds.

> *"This amounts to a freeze of the respective sovereignty claims of Britain and Argentina, following the example of the claimant states in the Antarctic Treaty. It was proposed in 1981 by Britain, accepted by the Falkland Islands and rejected by Argentina, who saw it as no more than a continuation of the status quo. Now, however, the South Atlantic Council proposes a bilateral treaty (presumably between Britain and Argentina) providing new permanent institutions (presumably with British and Argentine representation) 'to promote co-operation'. This is Shared Sovereignty in all but name and as such would be unacceptable to the Islanders and acceptable to the Argentines only as a short-term stepping stone to full sovereignty."* [885]

"... the South Atlantic Council (SAC) – Chaired by Martin O'Neill MP and comprising British and Argentine membership[886] *– has sent a 'memo' to the Foreign and Commonwealth Office listing options for consideration regarding the future of the Falkland Islands. ... Alistair Forsyth, Secretary of the Council, suggested in an*

882 Presented to the Foreign & Commonwealth Office in anticipation of a visit to the UK by Argentina's Foreign Minister. The visit did not take place however, and the paper was not widely circulated until October, 1997. Briefing Paper here - http://www.staff.city.ac.uk/p.willetts/SAC/BP-0697.HTM

883 *South Atlantic Council: Occasional Paper no.9* Peter Willetts (ed.) 1998. See http://www.staff.city.ac.uk/p.willetts/SAC/OP/OCCPAP09.HTM

884 *Ibid.* Signed on the Association's behalf on November 12, 1997 by Sir Rex Hunt

885 *Ibid.*

886 Argentine members included Augustin Blanco-Bazan, President of the Argentine Club in London, and Dr. Celia Szusterman, a university lecturer. The SAC maintained a membership of around 50, although the names were most often shrouded in mystery. See *SAC a secret lobby?* By Peter Pepper in *Penguin News* September 19, 1997 p.2

interview with Calling the Falklands, that it was for the British Government to decide the future of the Falklands, and not the people due to their colonial status (which, in his opinion, did not entitle Islanders to self-determination).” [887]

June 10th, from Buenos Aires, on Argentina's “Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.”, the government issue a press release.

> *“Since the beginning of its existence as an independent nation, the Argentine Republic has demonstrated, through actions by the Government, the firm political determination to exercise its effective sovereignty in the southern territories and maritime areas inherited from Spain. This effective exercise of sovereignty was interrupted when, in 1833, British forces occupied the Islands, expelling the population and the Argentine authorities established there. Subsequently, Argentine citizens were prevented from settling freely or owning land in those territories. The Argentine people and Government never accepted that act of force ...”*

June 16th, at the UN, the Special Committee on Decolonization commences its annual review of the question of the Falkland Islands. [888] Councillors William Luxton and Sharon Halford represent the Falklands people; Alejandro Betts and Juan Scott petition on behalf of Argentina. Councillor Luxton addresses the Committee.

> *“We may not be many but we demand that the world acknowledge our absolute right to determine our own future ... Falkland Islanders do not understand how this Committee can look us straight in the eye and tell us that only we are not entitled to this right. We do not understand, because in our eyes it is Argentina that is the colonial power.”*

Sharon Halford asks a question; *“How can you, as a Decolonization Committee, condone the suggestion that the Falkland Islands should relinquish its association with the United Kingdom only to become a colony of Argentina?”* [889]

During the meeting, Chile puts forward a draft-resolution calling for renewed sovereignty negotiations.

Argentina's representative addresses the committee.

> *“.. in contrast to what occurs with other non-autonomous territories, the Malvinas question must be resolved through negotiations between the Argentine Republic and the United Kingdom, in conformity with the repeated decisions by the United Nations (General Assembly resolution 2065 (XX) and subsequent ones); to act otherwise, in addition to rewarding an act of usurpation, would be to undermine the territorial integrity of the Argentine Republic. The principle of self-determination applies only to peoples subject to a colonial power. In the case of the Malvinas Islands, the people colonized cannot be distinguished from the colonizer ...”*

Fiji's representative speaks to the committee.

> *“... the Declaration on the Granting of Independence to Colonial Countries and Peoples called for an end to colonialism when the peoples of colonized territories exercised their right to self-determination. The process of self-determination should not be imposed on the people, but it was for them to exercise that right when the time was ripe. The draft resolution focused on the issue of sovereignty which was not in the Committee's mandate...”*

887 *Penguin News* August 29, 1997
888 *UN Document A/52/23 (Supp)*
889 Unanswered.

Chile's draft-resolution is adopted by the Special Committee by consensus. [890]

> *"The Committee requested the two Governments to resume negotiations to find a quick and peaceful solution in accordance with General Assembly resolutions on the issue,..."* [891]

Sierra Leone's representative then makes a statement in support of the Islanders; *".. in which he said that while efforts by Argentina and the United Kingdom to solve the issue by peaceful means were praiseworthy, significance should be given to the wishes and interests of the people of the islands. The resolution should have made reference to the important question of self-determination for the islanders. There was no alternative to that ..."*

"Despite rousing speeches on June 16, by Falkland Islands Councillors to the United Nations Decolonization Committee of 24, the Committee went on to renew its yearly resolution that Britain and Argentina should seek in the short term a negotiated settlement of the issue of sovereignty over the Falkland islands. ... The only country to publicly object to the resolution for its lack of any mention of the Islanders' right to self-determination was Sierra Leone. However, it has been reported that the representative from Fiji stated that the Committee's purpose is not to rule on sovereignty disputes, and if such is the case of the Falklands, it should be stricken from the committees agenda." [892]

In Buenos Aires, on the same day, the South-West Atlantic Hydrocarbons Commission, comprising representatives from Argentina, the UK and the Islands, holds its 3rd meeting.

July 23rd, once again visiting London, Minister Guido di Tella holds talks with the new Labour Government on a range of matters. Di Tella complains about opposition by the British Government to the headquarters of the Antarctic Treaty group being sited in Buenos Aires and about a continuing British ban on arms sales to his country. He also expresses his government's dissatisfaction over the lack of contact with the Falklands archipelago where, with the exception of relatives visiting the war graves at Darwin, Argentine passport holders are not allowed to land. After the meeting he is quoted as saying; *"We did not expect anything and we did not get any more than we expected."*

"An attempt by the Argentine Foreign Minister to lay down conditions with regard to future negotiations on oil exploration and fishing in the South Atlantic, is reported to have occurred during a meeting in London between the British Foreign Minister and Dr. Di Tella. The Argentine Minister is said to ahve requested "that Argentines be allowed to visit the Falklands, with or without a second passport; flights and commercial interchange between the Islands and Argentina, and visits of relatives of the war dead". In an interview with ... Graham Bound, di Tella also said that the British arms embargo on Argentina, and the fact that President Menem had not been allowed to visit Britain, did not make sense..." [893]

August 3rd, from Punta Arenas, *LanChile* commences a weekly flight to Mount Pleasant Airport.

Argentina's Foreign Minister Guido di Tella tells La Nacion that it is his "*fervent wish*" to visit the Falklands by the end of the year, adding; *"I don't expect celebrations from the Islanders"*.

890 *UN Document A/52/23.* See - https://documents.un.org/doc/undoc/gen/n97/215/56/pdf/n9721556.pdf
891 *UN Yearbook 1997*
892 *Penguin News* June 20, 1997
893 *Penguin News* July 25, 1997

August 15th, in Washington DC, Argentina's Foreign Minister and the US Secretary of State meet. Welcoming Minister di Tella to the State Department, Secretary Albright allows questions from the press, one of which asks; "*Madame Secretary, Argentina would like the good offices of the United States to have Great Britain negotiating with Argentina on the Falkland Islands issue. Is the United States willing to do that?"*

August 22nd, in Stanley, *Penguin News* reports: *"Argentine Foreign Minister Dr di Tella has denied that he requested the United States mediate in the argument over the Falklands. ... Di Tella is quoted in the Argentine newspaper La Prensa as having said, "A mediation was never requested, and we are not going to do so at least for the time being". However, he added that he had reminded Albright that the United States voted in favour of negotiations between Argentina and Great Britain to solve their differences."*

August 29th, *Penguin News* publishes a letter from Argentine jurist Marcelo Kohen. [894]

> *"It is absolutely clear that both parties to the dispute have completely opposite views. One side considers that the islands are British territory and that their inhabitants have the right to self-determination. On the otherside the view is that the islands are part of Argentina and that the Islanders are not entitled to self-determination. These are clearly legal questions. Since it is manifest at this stage that no party can seriously expect to convince the other, my question therefore is the following – Why not refer the matter to the International Court of Justice or to arbitration? This is the way that civilised people proceed when they have a dispuite and are unable to find a solution. The other alternative is to live perpetually with a dispute – something that creates only dificulties for everyone."* [895]

September 2nd, *Penguin News* reports that an oil rig has been contracted for work in seas around the Islands.

September 23rd, in a message addressed to the Falkland Islanders, Argentina's Foreign Minister says; *"I tell them again, that we promise them that we will fully respect their way of life, culture and institutions, as is laid down in our National Constitution"*

September 24th, at the UN, in a speech at the opening of the General Assembly, Minister Di Tella repeats his country's call for negotiations on the issue of sovereignty.

"In a speech to the United Nations Assembly this week. Argentine Foreign Minister, Guido di Telia, reiterated his hope that the Labour Government would not, "turn their back on Argentina... concerning the Argentines wish to negotiate over the Falkland Islands." He criticised Britain, saying ,"no member of the United Nations should be allowed to get out of the obligation to resolve a dispute through peaceful means."..." [896]

September 26th, in the Falklands, during the run-up to local elections, *Penguin News* reports candidate for re-election, Sharon Halford, as proposing that no agreement with the UK should be signed regarding a division of oil revenues until such time as the quantity and quality of any oil discovered, is known. [897]

In **October**, in Paris, France, Britain's newly appointed Ambassador to Argentina, Sir Peter Westmacott, meets Argentina's Ambassador to Switzerland, Guillermo González. [898]

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894 Kohen's biography gives his position at the University of Geneva in 1997 as a lecturer. However, he signed the letter as '*charge de cours*'. Apparently this is above an assistant professor, but below a full professor.

895 Argentina appears to have been invited by the UK to take a case to the ICJ in both 1968 and 1982, but refused. In 2021, Kohen was reported as having advised the Argentine government not to take a case to the ICJ. An opinion based on his experiences at the court, long after this letter was written. *cf.* 1968, 1982, September, 1998 & June, 2004

896 *Penguin News* September 26, 1997

897 Nothing has been published with regard to these discussions. Included only to demonstrate that, at this date, no agreement had been reached despite pressure from a number of UK Ministers and civil servants.

898 Mardsen was Westmacott's predecessor in Argentina. See January, 1997, above.

"The first meeting between the two ambassadors was held in the first fortnight of October 1997 in the Parisian La Ferme Saint-Simon, ... After a long conversation, Westmacott opened the topic and, smiling, said: "If we were to make a story of the history of the events, we should start when Di Tella suggested that he was willing to consider a solution that included the cessation of the Argentine claim and the recognition of sovereignty". Gonzalez interrupted him and also with another smile said that this was "an obscene and crude language, unfit for gentlemen. Particularly those who want to keep their heads on their shoulders". Then, after some clarification on what Di Tella had said, they began working on a draft left by Mardsen. The Argentine diplomat said: "Argentina has two minimum objectives in this exercise. The first is to improve our relative situation, not to make it worse as you are suggesting by mentioning 'some kind of recognition'. The second minimum objective is to ensure that on a certain date agreed between the parties a complete review of the new state will take place with the clear possibility of reviewing it." PW: "Within these guidelines I do not see clearly what are the benefits for the United Kingdom. People will ask what's in it for us". González said that the new Labor administration sought to act on an ethical basis and that this was a great opportunity to demonstrate that Britain remains a great moral and ethical example." [899]

Argentina's proposal includes a condition that Argentine flags fly in the islands and a bust of San Martin is erected. When asked why, González explained that the "*cultural and symbolic*" element was necessary to gain the support of the Argentine people. González suggests that perhaps a bust of George Canning should also be erected. The meeting breaks up without conclusion. [900]

October 16th, in Argentina, US President Clinton arrives for a three day visit as part of a tour of Latin-America countries.

"The issue of the Malvinas was discussed and President Clinton listened to President Menem. No specific requests were made of the United States by the government of Argentina in this regard. President Clinton expressed our interest in seeing two of our very best friends continue the dialogue that has been going on for some time and continue the improvement in the relations, which are now excellent, between the United Kingdom and Argentina. That was the nature of the conversation." [901]

"Menem: "I asked Bill Clinton for his support concerning the Falklands". ... "I asked President Clinton to speak to the English authorities so that we can resume negotiations concerning our relations over the Falklands, bearing in mind the United Nations Decolonization Committee's resolutions. This is an important step, we have to be optimistic after so many years of usurpation since 1833"..." [902]

October 18th, newspapers in Britain and Argentina report on Clinton's comments.

> *"President Clinton said during his three-day visit to Argentina that "two great nations" like Britain and Argentina should renew negotiations to resolve the dispute over sovereignty of the Falkland Islands. ... In both London and Port Stanley, President Clinton's words have been met with equanimity. They are seen as the inevitable minimum he was bound to say."* [903]

899 *Malvinas: las negociaciones reservadas y los intentos de Argentina y Reino Unido por llegar a un acuerdo* Juan Bautista Yofre in *Infobae* December 9, 2019.

900 Canning was Britain's Foreign Secretary in the 1820s

901 *Press Briefing by Ambassador James Dobbins, Assistant Secretary of State for Inter-American Affairs Jeffery Davidow and Mike McCurry*, Sheraton Hotel, Buenos Aires October 16, 1997

902 *Ambito Financiero* October 20, 1997

903 *The Times* October 18, 1997

"The British government said yesterday that it will "not modify" its refusal to resume negotiations concerning the sovereignty of the Falklands, in spite of the fact that President Clinton had called for this to happen, during his visit to Argentina" [904]

October 19th, press speculation continues.

"During the first meeting between Carlos Menem and Bill Clinton, the Argentine admitted, "we could look into the possibility of sharing the sovereignty of the Falklands with London" ... Di Tella said that during the meeting Menem said that "shared sovereignty could be studied". Di Tella also said that Clinton said he would be willing to mediate "if both countries request it". The Falklands issue was present from the first to the last day of Clinton's visit to Argentina. ... "If the kelpers don't want it, there will be no change concerning Argentina", said a Foreign Office spokesman as soon as he heard what Clinton had said..." [905]

"Di Tella said that the US will not mediate in the Falklands issue. ... "We didn't ask for it, it wasn't offered and we don't need them" said di Tella..." [906]

"Once the war in the South Atlantic was over, the islanders established and maintain their refusal to dialogue with Argentina, ... For critics of Menemism, this is a direct consequence of the policy of seduction. The position of the islanders is that they have nothing to discuss with Argentina, that they do not wish to have any relations with our country and that they are no longer a (British) colony but a dependent territory of the United Kingdom." [907]

October 20th, international news agency *Reuters,* report that new seismic studies suggest that large quantities of oil may lie off the Falkland Islands.

October 28th, in Stanley, the UK's Head of the Foreign Office's South Atlantic & Antarctic Department, speaks to local media; *"Mr (John) White denied that his main reason for visiting was to raise once again the concept of an oil revenue formula with councillors, but added that they had had a 'very amicable discussion' on the subject, saying that it would also be a subject which would arise when the Minister for Foreign Affairs, Mr Tony Lloyd, later visited the Islands. Asked if he felt there had been any progress on the subject of the 'oil formula' desired by the British Government, he replied positively, saying he felt it qualified as progress that, "we understand each other's position very well now"."* [908]

November 4th, in London, during a conversation between Guido di Tella and Britain's Foreign Secretary, Robin Cook, an invitation from PM Tony Blair is extended – inviting President Carlos Menem to visit the UK.

"Carlos Menem will visit London next year, accomplishing a personal dream. The visit will be official but not a state one ... Foreign Minister Di Tella was visibly content..." [909]

"The British Government on Wednesday accompanied their display of improvement towards President Carlos Menem, officially invited to London, with a clear warning: No way will the British sovereignty over the Falklands archipelago be touched." [910]

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904 *Clarin* October 18, 1997. Not actually what Clinton had said.
905 *Ibid.* October 19, 1997
906 *La Nacion* October 19, 1997
907 Romero 2020
908 *Penguin News* October 31, 1997
909 *Pagina 12* November 6, 1997
910 *Cronica* November 6, 1997

"According to the communique the invitation issued to Menem,"was transmitted without any conditions and without excluding any issues" to Foreign Minister Di Telia by his British colleague Robin Cook during the meeting they had last Tuesday in London. Which means there are no obstructions for the Falklands to be included in the agenda when Menem and British Prime Minister Tony Blair meet." [911]

November 9th, in Venezuela, at the end of the VII Ibero-American summit, a declaration is made calling for negotiations between Argentina and the UK on the issue of Falklands sovereignty.

"It is the first time that a document of the Ibero-American summit meeting will deal with the sovereignty conflict between Argentina and the United Kingdom, over the Falklands Islands ... Including Falklands in the document arose because Portugal requested the case of East Timor, an Island they have a conflict with Indonesia over be mentioned. The Portuguese, unlike what happens with Argentina in the Falklands, asks that the conflict be resolved by asking the population of Timor. The Argentine and Spanish delegation agreed to include the matter Portugal requested, but refused that the Margarita Declaration invoke the principal of self-determination and also requested that the document mention the Falklands and Gibraltar, the rock which is under the power of the United Kingdom, with whom Spain has a sovereignty dispute." [912]

November 10th, in New York, the General Assembly defers the question of the Falklands for another year. [913]

November 11th, a cross-Party group of Parliamentarians visiting the Falklands, hold a press conference; *"... delegation leader Dr. John Marek commented that he would do his best to try to convince the British Government that it should be a principle part of their foreign policy to try and get Argentina to drop its claim."*[914]

November 20th, in the Islands, a party of next-of-kin, visit the Military Cemetery at Fish Creek.

November 21st, in Paris, a second meeting between Sir Peter Westmacott and Guillermo González takes place. They discuss the announcement of a visit to the UK by President Menem in 1998. As regards the Falklands, González says; *"Our goal is to reach an agreement that has the characteristics of shared sovereignty*."

González makes a proposal for a bi-lateral treaty; *"The United Kingdom will grant the Falkland Islands a new status. The islanders will have expanded powers reflected in their institutions, providing complete internal government. Argentina will have a new relationship with the islands. Everything that is not modified by applying this agreement will remain in its current form."* Westmacote declines to consider it and the meeting ends. [915]

November 24th, in Buenos Aires, the South Atlantic Fisheries Commission meet; *"... it should not be forgotten that first, in the communications agreements between Argentina and the United Kingdom in 1971 and then, in all the meetings of the bilateral commissions agreed upon in the fishing and hydrocarbon agreements between both countries, the inhabitants of the Malvinas formed part of the British delegation,..."* [916]

December 1st, visiting Italy, Argentine President Menem, and his Foreign Minister, attempt to persuade their hosts to make some public comment regarding Italy's support for the Argentine position on the Falklands.

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911 *Ibid.* November 8, 1997
912 *La Nacion* November 8, 1997
913 *UN GA Decision 52/409 cf.* 1989
914 *Penguin News* November 14, 1997
915 *Malvinas: las negociaciones reservadas y los intentos de Argentina y Reino Unido por llegar a un acuerdo* Juan Bautista Yofre in *Infobae* December 9, 2019.
916 Romero 2020

"The Argentine officials know that it will not be easy for their Italian colleagues to agree to mention such a delicate issue, but they will try at least for the matter to appear in some paragraph of official statements." [917]

December 4th, Argentina becomes a signatory to the Ottawa Treaty which bans the use of land mines. [918]

"Foreign Minister Guido di Telia ... recalled that Argentine proposed to Great Britain the removal of the land explosives which its armed forces planted during the 1982 war in the Falkland Islands." [919]

December 5th, in London, the South-West Atlantic Hydrocarbons Commission holds its 4th meeting.

"Argentina and Great Britain ratified their understanding concerning co-operation in oil activities in the south-west Atlantic which were agreed upon in the joint declaration of New York in 1995. ... both delegations agreed to respect the first point of the declaration, which lays down that the sign must not be interpreted as a change of sovereignty or territorial jurisdiction over the Falkland Islands, South Georgia, Sandwich Isles and the corresponding waters around them. The group supported the coordinated elaboration of a tender in the special co-operation area." [920]

December 8th, the *Yorkshire Post* reports; *"The first meeting between defence ministers from Britain and Argentina since the Falklands War will take place in London today. Defence Secretary George Robertson, will welcome his Argentine opposite number Jorge Dominguez as part of the build-up of defence relations between the two countries since the conflict 15 years ago."*

"Dominguez's visit to London has a principal aim (of) obtaining the lifting of the arms embargo the British Government has maintained in place against Argentina since the military confrontation. These measures include the purchase from British factories of the spare parts the Armed Forces need for numerous pieces of equipment..." [921]

December 9th, in Stanley, visiting peers (and members of the South Atlantic Council) Viscount Montgomery and Baroness Hooper hold a press conference. Answering questions, Lord Montgomery said that he was sad about the Islanders relationship with Argentina; "*They are friendly to you, why should you not be friendly to them."*

Lord Montgomery adds; *"The SAC, was actually set up to counter the Falkland Islands Association, a powerful organisation with massive budget ... The FIA puts out an enormous amount of information that isn't always accurate. It is important to have a counter-balance because every situation has two points of view."*

"Asked again if he believed Falkland Islanders should have the right of self-determination he replied, "We should differentiate carefully between two different things. They have limited self-government, but this is a dependent territory, and dependent territories have obligations as well as enjoying all the privileges of being a British dependent territory. There may be greater interests for the United Kingdom." ..." [922]

"... misinformed, arrogant and out of touch." [923]

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917 *Clarin* December 1, 1997. Not mentioned in the final joint declaration, the Italian government were, however, persuaded to mention their support for Anglo-Argentine negotiations in a 'press release'.
918 Ratified by Argentina on September 14, 1999. UK signed December 3, 1997 and ratified July 31, 1998
919 *La Nacion* December 5, 1997
920 *Ibid.* December 7, 1997
921 *Ibid.* December 8, 1997
922 *Penguin News* December 12, 1997
923 Islands Councillors quoted in *Ambito Financiero* January 12, 1998

December 10th, Spain's Foreign Minister, Abel Matutes, meets Foreign Secretary Robin Cook in London to propose shared sovereignty over Gibraltar; *"The cases of the Falklands and Gibraltar, although similar, have some differences. The Falklands were illegally taken by force in 1833. Spain gave up the Gibraltar rock in 1713, in accordance with the Utrecht Treaty..."* [924]

December 12th, *Penguin News* reports:

> *"On the subject of commercial relations with Argentina Lord Montgomery felt that because of the Islands' dependence on, and the fragility of, fishing stocks, the Falklands should be, "working harder at obtaining agreements. Your councillors should be going over there, you should be inviting their politicians here. You need to accelerate the amount of dialogue – not reduce it".*
>
> *He said the same was true of the sovereignty issue. "Councillors have to go there (to Argentina) and discuss sovereignty." "Islanders", he said, "who have been there have suddenly found they have been presented with a platform from which to present their views to a wide audience".''* [925]

December 15th, in the UK, the *Financial Times* reports; *"Desire Petroleum, the company formed to explore for oil and gas off the Falkland Islands, is planning to go to Aim (sub-market of the London Stock Exchange) in February. It hopes to raise £7m-£10m, with up to £3.5m of this coming from existing shareholders..."*

In the Falkland Islands, for the fourth year, Christmas cards and gifts (books) arrive from Argentina's Foreign Ministry, addressed to *"My dear neighbour ..."*

"*Persistent Argentine Foreign Minister. Guido di Telia, adopted an informative theme in his choice of Christmas gifts to Falkland Islanders this year, by sending an assortment of literature on the subject of Argentina to most residents. The books include stories about life in the region by W. Hudson, Paul Theroux. Bruce Chatwin and Gerald Durrcll. In a letter accompanying each book, the Minister included the emotive (and what may be viewed as controversial) comment. "It hurts me to see how much you still distrust us. But some time in the future I'm sure we will be able to overcome these shortcomings." In general, however, Islanders appeared indifferent to the mass arrival of the parcels, although a few are reported to have immediately discarded them on receipt."* [926]

924 *La Prensa* January 3, 1998. Never a mention of 1765.
925 *Penguin News* December 12, 1997
926 *Ibid.* December 19, 1997

1998 – from London, PM Tony Blair sends a New Year message to the Falkland Islanders.

> *"You have my absolute and firm promise that I will not pursue any relations with Argentina at the expense of the Falkland Islands. I am committed to protecting your right to choose your own way of life. I am also fully committed to ensuring your security."* [927]

"In other words, he guaranteed the inhabitants of the Falklands the right to self-determination, which is against Argentine sovereignty claims. If the islanders could decide their future they would hold a plebiscite and would decide to remain under British control, either with Colonial status or with some sort of independence, but within the Commonwealth." [928]

January 2nd, in Buenos Aires, a day early, in its annual press release, the Argentine Government repeats the claim that British forces expelled an Argentine population from the Falklands in 1833.

January 3rd, *La Nacion* reports: *"British Foreign Secretary, Robin Cook, yesterday emphatically ruled out the possibility of sharing sovereignty of the disputed Falkland islands with Argentina as proposed by President Carlos Menem."* [929]

January 6th, Argentina's Foreign Ministry issue a further press statement.

"Foreign Minister, Guido di Tella, asked about recent statements of his British colleague Robin Cook, indicated: 1. There are no novelties in Minister Cook's statements. We know that the United Kingdom does not wish to negotiate the essence of the difference concerning the South Atlantic Islands. 2. Nor is it a novelty that President Menem refers to the possibility of a formula which implies 'two flags', or, to say it in another way, shared sovereignty. This shows President Menem's wish to negotiate and our willingness to find imaginative formulas and be constructive to overcome the difference of more than a hundred and seventy years."

January 9th, newspaper *Clarin* reports: *"Great Britain will reduce for (budget) reasons the number of combat troops in the Falkland Islands, but will modernise the defence equipment installed in the local military garrison. ... The modernization consists of the purchase of Tornado aeroplanes and a new radar, which cost 50 million pounds and will improve the air defence of the Islands for the next 15 years..."*

January 12th, *Ambito Financiero* reports; *"A member of the House of Lords has supported Foreign Minister Guido di Tella's idea to visit the Falkland Islands. It was also suggested that the ban on allowing citizens with Argentine passports into the Islands should be lifted. Lord Montgomery, ... insisted that the Islanders need to allow Argentine politicians to visit the Islands. ... This unexpected lobby of a member of the House of Lords in favour of direct contacts with Argentine politicians concerns the Islanders."*

January 21st, in the Falklands, Argentine next-of-kin visit the Military Cemetery at Fish Creek.

February 3rd, in London, at a symposium organised by the South Atlantic Council, ex-Argentine Minister, Roberto Aleman addresses the attendees.

> *"It is now fifteen years since the conflict occurred, but the main subject of sovereignty still has not been resolved. We in Argentina still assert the islands are ours. For 156 years we have longed for them. All sections agree about this, all of our society, civilian and military. We have written it in the constitution. ... Britain does not accept the Argentine position, despite the UN asking them to negotiate and OAS support for negotiations. The Islanders prefer to be independent under British protection. These three positions are quite impossible to put under one compromise. Sovereignty is not to be in*

927 *UN Document A/Ac.109/2105.* Also *The Times* January 3, 1998
928 See 2013.
929 *Buenos Aires Herald* January 3, 1998

partnership: it is either one thing or the other... The Islands should be run autonomously. They should elect their governor, like an Argentine province or a state of the Union, and run their own affairs. They should keep their culture, traditions, language and laws. But together with this, Argentines should be able to travel and do business. ... The fact is, bluntly, one thousand five hundred adult Islanders control, by their veto, the policy of ninety million Britons and Argentines. ... This small problem in the South Atlantic should be solved."

Sukey Cameron, the Falklands Government representative in the UK, responds.

"Attempts to find a 'solution', whether by Argentina or by third parties, are based on the premise that there is a 'problem' and that the views of the Falkland Islanders are at best inconvenient and, at worst, unimportant. As far as we are concerned, there is simply no point in discussing any permanent solution or settlement which ignores the concept of self-determination since we are completely happy with the current constitutional arrangement over sovereignty and regard it as entirely permanent... We seek support from those who share our ideals of self-determination and self-sufficiency, to help ensure that our future is secure." [930]

"..."The attitude of the South Atlantic Council hasn't changed much at all", said Councillor Edwards having recently attended the SAC's Falklands Update in London. There were, she said, the usual cries for more contacts between Britain and Argentina, and even a claim by one apparently pro-Argentine speaker (Martin O'Neal MP) that Falkland Islanders were "scared" to express their views to their representatives." [931]

February 4th, in a speech widely reported in Argentina, the UK's Foreign Secretary, Robin Cook, reaffirms London's commitment to its overseas territories; including the Falkland Islands.

"London's commitment to its dependent territories, among them the Falklands Islands, is as "strong as ever" the British Foreign Secretary said yesterday in a speech to the authorities of all the English colonies. ... The minister defended the right of self-determination of the colonies, saying that Great Britain voluntarily grants independence when it is requested, but, at the same time, London remains committed to those territories which wish to remain under the British connection." [932]

February 19th, a sixth group of Argentine next-of-kin arrive in the Islands for a visit to the Military Cemetery.

February 20th, in the Falklands, *Penguin News* reports: *"In an exclusive interview with the Merco Press correspondent in Britain, Lord Montgomery... made it clear his belief that the Islanders are behaving irrationally and unreasonably in refusing to trade with their neighbours or discuss the sovereignty dispute. The Lord, who has long been a champion of Britain's links with South America, and particularly Argentina, completely dismissed the Islanders' claim that they do not need to cooperate with Argentina – or indeed have a relationship of any sort. ... Lord Montgomery has little time for the Islanders' economic strategy, and he is equally dismissive about their political standpoint. He speaks with a degree of sarcasm about the democracy which Islands' leaders proclaim loudly in venues such as the United Nations. ... "... if they are really so keen on democracy, they should agree to talk with other like-minded democrats in Argentina"."*

930 Debates were divided into four sessions – Oil; Fisheries; defence; and Future Relations. The SAC record of the February 3, 1998 (No.10) presentation can be found here - http://www.staff.city.ac.uk/p.willetts/SAC/OP/OCPAPERS.HTM

931 *Penguin News* February 6, 1998. O'Neal was, at that time, Chairman of the South Atlantic Council (SAC).

932 *La Prensa* February 5, 1998

February 22nd, in Argentina, a number of newspapers report that there have been 'secret' negotiations in Paris. Dismissed as "*delirious*" by President Menem's Chief of Staff, Alberto Kohan, who describes talks as *"part of the permanent negotiations between the two countries."* [933]

March 3rd, *La Nacion* reports on Falklands oil negotiations; *"How could both countries collect royalties without recognising the sovereignty of the other, concerning the waters in which oil will be sought? ... An extreme case, which some diplomats use to describe their difficult task: If there is a murder on one of the oil rigs, within an area of so-called co-operation, which courts should intervene? ... Which penal code will be used.?"*

March 4th, at Stanley, seven Indonesian/Chinese seamen are rescued after leaping into the sea in the harbour. Following a police enquiry aboard *Ihn Sung 101*, eleven more sailors leave the ship. All complain of mistreatment by the Korean Captain and his officers. [934]

March 6th, *Penguin News* publishes a proposal for the future of the Falklands, written by Conrad Bullrich and Alastair Forsyth of the South Atlantic Council (SAC).

> *"For Argentina it is unacceptable that the temporary 1989 expedient of the sovereignty umbrella should be extended indefinitely without any sign of the negotiated settlement continually urged on the two parties. The political realities are that no Argentine Government can afford to neglect the issue. This is a position which British MPs and Falkland Islands Councillors should, as politicians, understand. ... It is for this reason that the two of us... have sought to devise a solution ... we believe might be acceptable to all...*
>
> *1. Full autonomy in internal affairs as now, that is to say everything except defence and foreign affairs. ... The present constitution would be maintained except that the Governor could in future be elected by the Islanders themselves. The Islanders would have the right to British and Argentine passports and could hold both if they chose to do so.*
>
> *2. A treaty between Britain and Argentina in which both countries jointly undertook to guarantee permanently the islands' autonomy, democratic system of Government and territorial integrity ... Prime responsibility for defence would remain with a scaled down British force at Mount Pleasant.*
>
> *3. This agreement would be understood as settlement of the dispute ... Britain would end the embargo on sales of defence equipment... Flags could be left out of it...*
>
> *4. Some common sense financial arrangement would be necessary to recompense Britain and Argentina for their defence and foreign relations undertakings ...*
>
> *5. A three-man tripartite commission would be established (one man one vote) to oversee implementation...*
>
> *6. The terms of the agreement would be reported to the United Nations as constituting settlement of the dispute."* [935]

"The document, ... appears to suggest joint British/Argentine sovereignty of the Islands, with semi-autonomy for the Islanders. ... Councillor Cheek felt the proposal was "nothing new" saying, "it is typical of the kind of thing that has been produced over the years by people with a superficial understanding of the problem. These

933 See October and November, 1997
934 *Penguin News* March 6, 1998
935 Titled *Falkland/Malvinas: The Way Forward* and published in full in *Penguin News* March 6, 1998 p.10. See https://www.nationalarchives.gov.fk/online-collections/periodicals/penguin-news

simplistic solutions ignore our rights and wishes". ... Councillor Cockwell summed up what was apparently the general feeling amongst Representatives, "We must always be willing to consider any proposals which would remove the Argentine claim to our Islands, but previous experience has shown that some Argentine Officials see any willingness to negotiate as tacit acceptance of their claim. We need to be certain that any proposal is a serious effort to remove the Argentine claim and not just a pretext to get us to the conference table".” [936]

“In spite of Bullrich's and Forsyth's intentions, the Kelpers did not waste any time in rejecting it, and it was not even allowed to be published in the local newspaper.” [937]

“Para 2) An agreement between Britain and Argentina would guarantee our autonomy. As we have this at present why should we include the Argentine? ... At the beginning the authors state that to negotiate you have to be willing to give a little. What they have failed to show is what the gain is to the Falklands, which must give and the Argentine take.” [938]

“The Bullrich/Forsyth plan gives control over immigration to the Islanders, "provided only that the latter was non-discriminatory". I asked Mr. Forsyth what this ominous caveat meant. He told me that Falkland Islanders would be bound to accept a percentage of Argentines amongst new immigrants coming to live as permanent residents. Mr. Forsyth thought this percentage should be just 5%, but I suspect that Argentina would want a much higher quota. I know Argentina, and believe it would only reach a settlement over the Falklands or even 'abandon' its claim officially, if it thought it could eventually take the Falklands over by other means.” [939]

March 8th, in Buenos Aires, newspaper *La Nacion* announces; *“The company, Sands Petroleum, confirmed in Stockholm the existence of oil in the sea around the Falkland Islands, in quantities equivalent to 2000 million barrels of oil.”* [940]

March 18th, Argentine law *24,950* is sanctioned.

> *“Article 1: Declares "National Heroes" those Argentine fighters who died during the Malvinas War, in 1982, in defense of national sovereignty over the Islands of the South Atlantic.”*

March 31st, an editorial in *Clarin* says; *“While Argentine diplomacy struggles to shape up for the announced joint oil exploration in the cooperation zone, south west of the Falklands, the Kelper Government is getting set to start the first ocean drilling programme. The arrival of an oil drilling platform from the North Sea to the South Atlantic appears thus as a new problematic sign for our country's foreign policy makers. ... This is the way the Kelper government acted. They unilaterally issued oil exploration licences ... the only tangible certainty is that ... our country, of course, remains without any influence or participation in the process of exploration and the eventual drilling for oil, when found.”*

April 2nd, in Argentina, the 16th anniversary of the start of the Falklands War in 1982 passes unremarked.

April 3rd, *Pagina 12* publishes an article by Argentina's Vice-President, Carlos Ruckauf; *“We have to seek all the possible diplomatic means, so that the British realize that we are never going to give up this piece of Argentine territory. No government, no matter who it might be, will accept that the illegally-taken Islands are British territory. They are Argentine territory.”*

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936 *Penguin News* March 6, 1998 p.1
937 *Clarin* March 9, 1998. Just to confound, the *Clarin* report reproduced the comments from page 1 of the *Penguin News* of March 6, 1998. The 'local' newspaper that **had** published the Bullrich/Forsyth proposal in full on page 10.
938 Tim Blake in *Penguin News* March 13, 1998
939 Peter Pepper in *Penguin News* April 10, 1998
940 Repeated in *Penguin News* March 13, 1998

April 18th, *La Nacion* reports; *"Those close to President Carlos Menem believe that before the end of the year, London will allow that in the Falklands territory, two Argentine flags will be hoisted. One in Darwin cemetery, where there are Argentine soldiers who died in the 1982 conflict, and the other at a monument to an Argentine aeroplane which was shot down during the fighting."* [941]

April 21st, at Stanley, Foreign Office Minister Tony Lloyd arrives. He confirms; *"The unwavering support of HMG for the people's self-determination,"* before meeting with Islands' Councillors.

"The subject of oil was realised in the meeting – however, when an 'oil revenue formula' was mentioned in passing, councillors explained that their position had not changed and that they could not commit themselves further before it was known whether oil existed in commercial quantities..." [942]

"But, the FCO Minister did not request the lifting of the ban which has been in effect since 1982, not to allow Argentine passport holders into the Falklands. Changing this, is one of the aims of Foreign Minister Guido di Tella who hopes to resume communications between the Islands and the Continent..." [943]

In Buenos Aires, Argentina's Senate reacts to news of the arrival of an oil rig to the north of the Falkland Islands.

"In an unexpected move, the Argentine Senate urgently and unanimously approved a bill which attempts to force all companies involved in energy and mineral exploitation commercial projects in the South Atlantic (including the Falklands) to have the authorisation of the Argentine Government. The bill ... specifies that companies which operate without the Argentine consent will be sanctioned with fines of up to ten million US dollars and could even be banned from operating in Argentine mainland territory. The initiative ... coincides with the arrival in the Islands of the oil rig Borgny Dolphin and the beginning of exploratory drilling activities ..." [944]

April 25th, Argentina's *Telam* news agency reports; *"The governor of the Falkland Islands, Richard Ralph, said that the plan for the Argentine flag to fly over Darwin Cemetery is "a fantasy"."*

April 27th, in the North Falklands Basin, the platform *Borgny Dolphin* (right) begins drilling an exploratory oil well. Plans for five further exploratory wells are announced by the International Oil Corporation.

April 29th, in Buenos Aires, the Foreign Ministry issues a statement for the press; *"We do not accept or recognize the alleged right of Great Britain to authorize hydrocarbon activities, in maritime areas which belong to Argentina."*

"According to a statement from the Argentine Ministry, the Argentine strategy will consist of a bill to modify the hydrocarbons law which will allow Argentina to claim three percent of oil royalties from companies operating to the north of the Falklands without their consent." [945]

April 30th, the Argentine government presents a letter of protest to the British Embassy.

941 The Argentine Military Cemetery is some five miles from Darwin as the crow flies, and considerably further on the ground. Darwin also has its own cemetery. The Military Cemetery site was carefully chosen, with the nearest geographical feature being Fish Creek. See February, 1983, above.
942 *Penguin News* April 24, 1998
943 *La Nacion* April 25, 1998
944 *Penguin News* April 24, 1998.

"The Argentine Government rejects the so-called "right" of the United Kingdom to authorize oil drilling activities in the Argentine continental shelf.

Reiterating the terms of the Argentine statement of 27 September 1995 and the Argentine complaint of 5 October 1995 addressed to the United Kingdom Government, the Argentine Government declares that it neither recognizes nor accepts the call for tenders for the exploration and exploitation of resources which are located in maritime zones belonging to the Argentine Republic and over which it has legitimate rights of sovereignty and jurisdiction.

The Argentine Government reiterates its inalienable rights over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime zones." [946]

May 3rd, in *La Prensa*, former Foreign Minister Dante Caputo criticises his governments' policies regarding the Falklands; *"Between 1989 and now, through successive proclamations, the British government has gone from controlling 100 thousand square kilometres of water around the Islands to a million and a half square kilometres, without there being any complaint filed by the Argentine government."*

May 4th, in Argentina, *Buenos Aires Economico* reports the result of an opinion poll on the importance attached to the question of the Falkland Islands; *"The Opinion poll takes into account 1,000 people during April 1998 and took place in the federal capital. ... Youngsters ... believe: Very important 27.5%, Important 32.2%, Little importance 22.2%, No importance 16.9%, No reply 1.2%. The opinion poll was illustrated by a map of the Islands, photographs of youngsters, a skeleton with a soldiers helmet on and a spider's web."*

May 9th, in *Perfil*, Carlos Escude, Argentine political scientist and former adviser to Guido di Tella, writes; *"All you have to do is chat to any taxi driver in Buenos Aires to understand that the Argentine people know that the Falklands will never again be Argentine."* [947]

May 12th, Britain's Buenos Aires Embassy responds to Argentina's note of April 30th.

"Her Majesty's Government has no doubt about the United Kingdom's sovereignty over the Falkland Islands, its sovereign rights and jurisdiction over the surrounding continental shelf and its consequential right to administer the territory and the shelf in accordance with the rules of international law. Accordingly, as set out in the United Kingdom's unilateral declaration of 27 September 1995, Her Majesty's Government rejects the assertion of sovereign rights and jurisdiction over the maritime areas surrounding the Falkland Islands, South Georgia and the South Sandwich Islands contained in the Ministry's note." [948]

May 13th, news leaks out that traces of hydrocarbons have been discovered near the archipelago. [949]

"Amaranda Hess, the oil giant currently drilling an exploratory well, have confirmed that "minor hydrocarbon indications" have been found in core samples brought up from the drill hole after just over two weeks of drilling. The company's press officer, Laura Matthews, said the company is still taking a cautious view and that there is still only a one in fifteen chance of anything significant being found..." [950]

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945 *Penguin News* May 1, 1998

946 *UN Document A/53/121*

947 An updated version from 2003 can be found here - https://falklandstimeline.files.wordpress.com/2012/02/the-falklands-will-never-be-argentine-carlos-escude-2003.pdf

948 *UN Document A/53/126*

949 Gurr 2011.

950 *Penguin News* May 22, 1998. Further examination concluded that the oil had 'migrated', leading to the capping of this particular well.

May 18th, the *Buenos Aires Herald* reports a *communique* from the Center for Political and International Studies (CEPEI).

> *"The beginning of the oil exploration in the Falklands, obliges us to deal with the matter of the protection of the Argentine sovereignty rights in dispute with Great Britain. With this in mind we understand: 1) That the unilateral act carried out by great Britain with the beginning of the oil exploration, show the evident failure of the charm offensive and strategy carried out by Argentine diplomacy … 2) That to our country, the oil agreement signed with great Britain lacks legitimacy... 6) As Argentines and Justicialists, we call upon the rest of the political and social forces to reject the agreement..."*

May 19th, Britain's *Daily Mail* newspaper reports; *"The 2,000 people of the Falklands were last night set to become multi-millionaires after oil was found off their shores ... Initial estimates say it could be worth up to £20 billion for the islands in royalties and tax. ... Britain itself is expected to benefit from some of the earnings by insisting that the annual £67 million bill for defending the islands from another Argentine invasion ... is paid by the Falklanders themselves."*

May 20th, returning to Stanley, Conrado Bullrich and Alistair Forsyth hold an open meeting to seek Islander opinion on their proposals presented in March. Islander Janet Robertson provides an opinion; *"We've got what we want – self determination – and yet you expect us to give opinions on something which doesn't suit us at all – it involves giving away something we've already got."* [951]

May 21st, in London, Guido di Tella has a meeting with the British Foreign Secretary, Robin Cook. Afterwards, speaking to the press, Di Tella says that he has complained to the Minister about Britain being *"too soft"* with the 'Kelpers', who refuse to resume communications with the Continent. [952] The question of de-mining is also raised; *"We are responsible for having planted the mines and we want to remove them."* [953]

In Britain's House of Commons, Tony Lloyd replies to a question concerning compensation from Argentina for the devastation caused in the islands by its invasion in 1982; *"We have no plans to ask the Argentines for compensation for the damage done during the Falklands conflict."* [954]

May 22nd, the *Penguin News* publishes another letter from Argentine jurist Marcelo Kohen:

> *"I cannot understand the reluctance of the Executive Council not to allow Mr. Di Tella to visit the Islands …. both the LegCo and the ExCo should invite him. … if he accepts, as he certainly will do, this cannot but reinforce your position; an Argentine Foreign Minister would officially and for the first time recognise the ExCo and LegCo as the authorities of the Islands."* [955]

May 25th, Britain's *Times* newspaper reports:

"President Menem of Argentina said yesterday he would assert to the Queen his country's claim of Falklands sovereignty when he visits Britain in November. ... Senor Menem said in a radio interview that his Government had worked tirelessly to achieve recognition of "Argentina's right over the disputed Islands" and his visit was a sign that the time was ripe to renew "peaceful demands over the Malvinas" as Buenos Aires calls

951 Quoted in *Penguin News* May 22 1998
952 *Clarin* May 22, 1998
953 Guido di Tella quoted in *Perfil* June 5, 1998
954 This had been dealt with in the first joint statement following the 1989 negotiations. *cf.* October, 1989
955 Beware lawyers bearing gifts? An ardent Argentine nationalist, Kohen over the years has failed to understand so many things. *cf.* August 1997 & September 1998

them. He added that he hoped Argentina would receive $600 million (£368 million) a year in taxes levied from the oil and gas companies which are exploring the waters around the Falklands. Britain does not accept Argentina's claims of sovereignty nor its right to levy taxes from oil extracted from the waters north of the South Atlantic islands under licences granted by the Falklands Government."

June 9th, in Buenos Aires, *Clarin* reports on comments made by Argentina's Vice President Carlos Ruckauf; *"To the English usurpers we say that the Falklands are and will be Argentine... At the end of the war, the politicians tried to de-malvinise Argentina, but we have recovered faith."* [956]

June 10th, on its Day of Affirmation of Argentine Sovereignty Rights, Argentina commemorates the, "*effective exercise of sovereignty"* with the; *"... establishment of the Political and Military Command of the Malvinas Islands and the Islands adjacent to Cape Horn in the Atlantic Ocean, in accordance with the decree by Interim Governor Martin Rodriguez in 1829 ..."* [957]

"Today is the commemoration of the Reaffirmation of Argentine rights over the Falkland Islands and the Antarctic Sector, but the people consulted seem not to know why. La Nacion went round the Law Faculty of the University of Buenos Aires, asking the students if they knew why June 10th was the date chosen to remember the Islands and none of them asked knew the right answer." [958]

June 14th, in Stanley, seventeen years after the surrender of Argentine forces, Falkland Islanders celebrate Liberation Day.

June 15th, at Mount Pleasant Airport, an Argentine pilot, in his 1958 *Piper Apache* lands after flying from Comodoro Rivadavia. Escorted by an RAF *Tornado* sent to investigate when the aircraft's approach was detected. The pilot, Ernesto Barcella, is carrying 2,000 tea bags, oranges and bags of flour. Allowed to land due to deteriorating weather conditions, Barcella is detained by the Falklands immigration authority. [959]

In London, the *Financial Times* newspaper reports concerns that developments in Argentine domestic politics could derail the 1995 agreement covering hydrocarbon development in the south-west Atlantic. The article notes that the opposition Alliance in Argentina is committed to denying the validity of the agreements, and that the bill currently before Congress runs counter to paragraph 6 of the joint declaration.

"... the Alliance warned that the accord, and consequent government inaction, could deprive Argentina of "tens of billions of dollars" in royalties and charges. The statement was signed by former president Raul Alfonsin, Fernando de la Rua, current presidential front-runner, and the rest of the Alliance leadership." [960]

In the South Atlantic, HMS *Edinburgh*, a type-42 destroyer, arrives to take over as the Falklands Guard-ship.

June 19th, relatives of those who died when ARA *Belgrano* was sunk in 1982, arrive at the recorded location to lay wreaths. Accompanying the relatives, are seven former crew members. [961]

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956 Argentina's Vice President Carlos Ruckauf quoted in *Clarin* June 9, 1998

957 *UN Document A/Ac.109/1999/12.* An act of trespass, promptly protested by the British Government. *cf.* 1829

958 *La Nacion* June 10, 1998

959 Released following assurance by Argentina that he would be prosecuted for breaching Argentine civil aviation regulations. Unsurprisingly, this did not happen after Foreign Minister Di Tella referred to the incident as an "*internal flight*" and Barcella's licence was revealed to have been issued by the USA. Treated as something of a hero on his return, Barcella appears to have been more mad than bad, but this was not the first time that a small Argentine aircraft had arrived unannounced. *cf.* 1964

960 *Financial Times* June 15, 1998

961 Apparently, after their ship (ARA *Almirante Irízar*?) returned to Argentina there was some doubt as to whether it had located the correct position due to the poor weather conditions at that time.

July 6th, in New York, at the UN, the Special Committee on Decolonization commences its annual consideration of the Falkland Islands NSGT.

Falkland Island Councillors Norma Edwards and Sharon Halford represent the people of the Islands; while Maria Angelica Vernet, Enrique Pinedo and Alejandro Betts act as petitioners for Argentina. Chile introduces a draft-resolution calling for negotiations on sovereignty.

In his address to the Committee, Argentina's Foreign Minister claims that the human right of *self-determination* is not applicable to the peoples of the Falklands, as it only applies; *"... to peoples subjected to a colonial Power. In the case of the Malvinas Islands, it is obvious that the inhabitants are descended from the settlers who were transplanted illegally to those Territories by the occupying Power in the nineteenth century..."*

Fiji's member of the Committee questions its ability to pronounce upon the issue.

> *".. his delegation believed that the issue of sovereignty over the Falkland Islands was beyond the responsibility of the Special Committee and was, therefore, ultra vires (outside the powers) of its mandate. The issue for the Special Committee was one of decolonization, not one of sovereignty. The future of the peoples of Non-Self-Governing Territories must be decided by the people themselves."*[962]

Chile's draft-resolution is adopted by the Special Committee on Decolonization without a vote. [963]

In response, Sierra Leone's representative complains.

> *"(The) resolution should make appropriate reference to the important issue of self-determination. As the Special Committee was aware, there was no alternative to that principle."*

"In a 6 July resolution, the Special Committee reiterated that a peaceful and negotiated settlement of the sovereignty dispute between Argentina and the United Kingdom would put an end to the colonial situation of the Falkland Islands (Malvinas) and accordingly requested them to resume negotiations." [964]

"Almost like a folklore tradition, the UN decolonization committee yesterday once again passed a resolution urging Argentina and Great Britain to negotiate the sovereignty dispute of the Falkland Islands. Although there was a consensus, the most important moment was when the representative of Fiji proposed, as quite a novelty, that a referendum be held so that the Kelpers can decide their own future, something which Argentina is opposed to." [965]

*"Dante Caputo, former foreign minister under Raul Alfonsin and current deputy, said that the result "has its importance". However, and this is where he spoke about his difference with Guido di Tella's policy, "**it is not a decision, which can be compared with those of other organisations of the United Nations, such as the General Assembly**". Caputo pointed out that the committee is an organisation which is not important when compared to the General Assembly and Security Council. He said that the "current government withdrew its claim from the General Assembly in 1989, and that in my opinion is a serious mistake"..."* [966]

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962 *UN Yearbook 1998.* Delisting the Islands from the Decolonization Committee's remit would not suit Argentina, which has few other opportunities at the UN to raise the subject. Hence, Fiji was ignored.

963 UN *Document A/Ac.109/2122.* Decolonization Committee resolutions are subsequently presented to the Fourth Committee for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. See above

964 *UN Yearbook 1998*

965 *Clarin* July 7, 1998. Folklore tradition or pantomime? Same characters, same story, same jokes?

966 *Ambito Fianciero* July 7, 1998. My emphasis. Contrary to some assertions, committee resolutions are not UN resolutions unless they are adopted by the General Assembly.

"It is like a ritual. With results always in favour of our country. This has been going on, without interruption, for sixteen years. ... The only thing that was approved, by consensus, by the committee, was just another resolution, which is pretty much the same as the others. ... As always it urges both sides to fins peaceful solution to the controversy, to put an end to the colonial situation. There are no changes. ... What really took place was just another "consensus". As happens each year. ... What is being dealt with is an agreement exactly the same as the previous ones. ... Without exaggerating it should be outlined that the Argentine position has not been "strengthened" as far as recovering the Falkland Islands is concerned, more than that of another resolution, added to fifteen previous ones of the past. It is more of the same thing. .." [967]

July 10th, *Penguin News* publishes an updated *Bullrich-Forsyth* proposal.

> *"The new sixteen point draft reads as follows:*
>
> *1. Both countries would jointly undertake to guarantee permanently the Islands autonomy, democratic constitution, territorial and marine boundaries, and to consult and act together on defence and foreign matters relating to the Islands. 2. Autonomy would be defined as full responsibility for internal affairs as now,.. 3. The Islands present Constitution would be maintained except that provision would be made for a Governor to be elected ... 4. The Islanders would have the right to British and Argentine citizenship and could hold both passports if they chose to do so. 5. The treaty would provide for the establishment of a three man tripartite Commission (one man one vote) to oversee the implementation and functioning of the agreement. ... 6. No Argentine troops would be sent to the Islands. The base at Mount Pleasant would be leased to the British for a fixed period... 7. The Commission would oversee the existing joint hydrocarbon and fishery commissions... 8. The Commission would be the forum for coordination between the islands and the two guarantors... 9. No taxes of any kind would be levied in the Islands by Britain or Argentina. However, Argentina's right to 3% royalty on oil or gas produced in Falklands waters would be recognised. There is a case for an equivalent payment to Britain. 10. Cost of defence, ... would be borne by Britain and Argentina. 11. Britain, Argentina and the Islands would jointly declare the Islands a special ecological protected zone. 12. The Islands would have their own flag (which could be the present flag, with the islands' badge but without the Union Jack). The liaison office of the Commission on the Islands would normally fly all three flags. 13. The official name of the Islands would be the Falkland islands in English and Islas Malvinas in Spanish. Place names on the Islands would be a matter for the Islanders. 14. The agreement would be understood as settlement of the dispute. ... 15. Provision could be made for a referendum to be held in Argentina and the Falkland Islands. 16. The terms of the agreement would be notified to the United nations as constituting settlement of the dispute."* [968]

On the same day, the *Penguin News* reports:

"... the BBC World Service has revealed that several of the (UN's Decolonization Committee) are under investigation for forging documents concerning the committee. According to the BBC's UN correspondent, Rob Watson, ... the Secretary-General has initiated an inquiry into allegations that two officials employed by the committee, who are not diplomats, have created false memorandums pretending to be communications between the British and Americans and suggesting a scheme to discredit the committee and hasten its abolition. ... the BBC correspondent's sources believe that, ironically, the forgeries may have been motivated by fear that the Committee will be abolished. The Committee of 24 is one of many UN committees currently being examined for viability and relevance."

967 Emilio Cardenas quoted in *La Prensa* July 19, 1998
968 Largely ignored within the Falkland Islands.

July 16th, in Buenos Aires, Argentina's President Menem greets United Nations Secretary-General Kofi Anan.

"Menem thanked the General Secretary for the fact that, in spite of the requests for its elimination, he continues to defend the decolonization committee of the UN, which has been dealing with the Falklands issue since the current government decided to withdraw the matter from discussion at the General Assembly." [969]

July 22nd, in Britain's House of Commons, Minister Tony Lloyd deals with questions relating to Argentina, Menem's visit to the UK, and the Falkland Islands.

> *"... first I must acknowledge the serious disagreement that remains in our relations with Argentina—over sovereignty over the Falklands. Argentina still disputes our claim. When we invited President Menem, we made it clear that the visit would not be an occasion to negotiate our sovereignty of the Falklands. Our position remains that we have no doubt about our sovereignty over the islands, and we remain fully committed to protecting the right of the Falkland islanders to determine their future."* [970]

July 30th, in Britain's House of Lords, responding to a question, Baroness Symons confirms; *"Our position on the sovereignty of the Falkland Islands is well known and remains unchanged. We do not regard it as negotiable."* [971]

In Buenos Aires, the South-West Atlantic Hydrocarbons Commission holds its 5th meeting.

August 5th, the *Buenos Aires Herald* reports ; *"... Tony Lloyd yesterday reinforced British rejection of Senator Eduardo Menem's bill to punish oil firms which drill in the South Atlantic without paying Argentina royalties, ... "Britain rejects the right of Argentina to impose taxation on companies operating in an area where Britain is sovereign"..."*

August 20th, in Canada, the Supreme Court gives its opinion on the legality of succession by Quebec. On the definition of '*peoples*,' the court says; *"It is clear that a 'people' may include only a portion of the population of an existing state. ..."*

In the Falklands, a decision is made to arm the fisheries protection vessels.

September 18th, in the *Penguin News* letters section, a further letter from jurist Marcelo Kohen is published.

> *"I would like to have some reactions to my proposal to submit the dispute with Argentina to the International Court of Justice, published in the Penguin News vol.9 No.26. Who has the better claim to the islands? Are the Islanders entitled to self-determination? Both are legal questions and can be answered by the ICJ. If you are right, then Argentina must drop her claim at once and forever. If Argentina is right, then you have to negotiate with the methods to have your interests respected (autonomy, legislation, etc.). I strongly believe that this is the only way by which no side imposes its views on the other and the only civilised way to proceed when people have a dispute.*
>
> *Other alternatives are the status quo, or the unrealistic Bullrich/Forsyth proposal. Their "shared sovereignty" is tantamount to decide that nobody is the sovereign of the territory. In a world still essentially composed of sovereign States, where nearly the whole of the merged surface of the earth is divided and attributed to them, the creation of such a hybrid situation is misleading.*

969 *La Nacion* July 17, 1998

970 *HC Deb 22 July 1998 vol 316 cc1094-100.* Argentina's Ambassador was present. See - https://publications.parliament.uk/pa/cm199798/cmhansrd/vo980722/debtext/80722-17.htm

971 See - https://hansard.parliament.uk/Lords/1998-07-30/debates/cef35e49-d860-4e3e-90b8-f03d24e4e589/PresidentOfArgentinaStateVisit

It is an attempt to avoid facing the problem, by begging the question of sovereignty, which is at the core of any sovereignty dispute. Conceived of as a means of final settlement, it actually creates the potential basis for a new, and probably even more complicated, sources of conflict." [972]

"I have nothing against the International Court of Justice. Actually it's a very civilised peaceful way of solving any international dispute. The only problem with it is that it is quite a risky alternative to both sides of the dispute. ... A legal arbitration normally does not leave room for intermediate solutions which seems to me the most just and convenient for all the parties involved in this case. ... There is nothing wrong in using our imagination to find new solutions for old problems, specially when these solutions could be acceptable to all the parties involved in the dispute." [973]

"Kohen is a recognized and prestigious jurist ... one of the most enlightened specialists in the legal case for the Malvinas Islands. That is, in the sovereignty conflict between Argentina and the United Kingdom. Kohen is deeply nationalistic and from his perspective of international law has advised the governments of Nestor and Cristina Kirchner to take the British to court, which he has later advised against due to his own experience." [974]

September 19th, in Stanley, Acting-Governor Andrew Gurr is interviewed by a *La Nacion* journalist – Mariano Grondona – invited to the Islands by the FIG. Asked whether the Islanders' attitude towards Argentina has changed since Carlos Menem became President, Gurr responds; *"No, I believe that the majority of the Islanders will say that as long as the Argentines go on claiming the Islands or whilst the clause concerning the sovereignty in the Constitution is maintained, the situation will not change."*

"Some islanders, including Councillor Norma Edwards, have strongly criticised the decision to invite the journalist to the Islands. Mrs. Edwards recently commented that if councillors believed the show would change Argentine attitudes to the Islands, "then they must have their brains in their back pockets"." [975]

"Asked who he felt the Falklands belonged to, Argentine journalist Dr. Mariano Grondona surprised Islanders at a public meeting this week by replying "They belong to you", ... "you function as a mini State". "I was surprised to see you as an autonomous community with your own targets, goals and resources," ... adding that he thought the Islands would depend on Britain, but, "it is all under your control"." [976]

"The Islanders were only minimally impressed." [977]

September 29th, not invited, a *Clarin* journalist whines; *"The Kelpers want to "educate" the Argentines. During the last Councillors meeting in the Falklands, last week, they used these words to justify journalist Mariano Grondona's invitation to the Islands, on an Argentine passport, something which has been banned by the archipelago's 1982 immigration law."*

October 8th, Britain's *Financial Times* reports that President Menem has stated that he is not going to ask the UK to return the Falkland Islands, but only to fulfil the United Nation's request for dialogue. [978]

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972 Kohen had another letter published in *Penguin News* on October 30, 1998, on the same theme; by which time he had apparently become an ' Acting Associate Professor of International Law'.

973 Conrado Bullrich in a *Penguin News Special* October 2, 1998

974 *El Gobierno postuló a un abogado argentino para juez de la Corte Internacional de Justicia* Natasha Niebieskikwiat in *Clarin* December 19, 2021.

975 *Penguin News* October 2, 1998

976 *Ibid.* October 9, 1998. Grondona subsequently denied this interpretation of his words in an article published by *La Nacion* October 11, 1998. See below.

977 *The Times* October 27, 1998

978 The last request for talks from the UN General Assembly had been in 1988. Talks took place. There have been no calls from the UN since. Argentina relies on a belief that UN resolutions never die. They do, through irrelevancy.

"He also advocated the idea of shared sovereignty, appearing intent on boasting of being a true democracy capable of accommodating the Islanders' way of life." [979]

October 10th, in Spain, a magistrate, Baltasar Garzón, issues an international arrest warrant for Augusto Pinochet, ex-dictator of Chile, on a charge of killing Spanish citizens; and other crimes against humanity. [980]

October 11th, back from the Islands, journalist Marianna Grondona has an article published in *La Nacion*.

"During the long meeting, ... I carefully laid down two points for discussion. One that of the sovereignty dispute between the Argentine State and the British State (not the Islanders) which is on-going, and the other refers to the private property there is on the Islands (farms, houses companies) which, undoubtedly, belong to the Islanders. ... we could say that from the perspective of public rights the Islands belong to us, from the perspective of private rights, they belong to them." [981]

In Argentina, the Bullrich/Forsyth proposal is presented to a seminar organised by the Argentine Foreign Relations Council (CARI) – *The Present Situation and Perspectives for the Islands*. Alistair Forsyth (SAC) is accompanied by Lord Montgomery (SAC) and Argentine Vice-Foreign Minister Andres Cisneros.

"A member of the Argentine opposition party and their leading foreign affairs policy maker, Lucio Garcia Solar, is said to have listened apathetically. Lord Montgomery, who while in the Islands suggested the Falklands situation 'might' inhibit commercial links between Argentina and Britain, complained that he had been insulted while in the islands in Penguin News articles. ... Celia Szusterman (a member of the Institute of Latin American Studies of the University of London) became the target of critical remarks at the seminar when she said, "The Malvinas are not Argentine, they may have been Argentine and they may be Argentine again, but they are not now Argentine"." [982]

October 16th, in London for medical treatment, Augusto Pinochet, is arrested at a clinic under the Spanish arrest warrant. [983]

"Judge Baltasar Garzon made a case for extraditing the former Chilean dictator from London. In an initial arrest warrant, Garzon cited only one specific victim. But in an addendum released Tuesday and sent to Britain, he outlined how 94 people died or disappeared at the hands of Chile's military junta leaders and Argentine cohorts from 1976-83." [984]

October 19th, in the USA, CBS news reports:

> *"Former British prime minister Margaret Thatcher, .., urged the immediate release of ex-Chilean military dictator Augusto Pinochet. Pinochet, 82, is under arrest at a private clinic in London after an extradition request by Spain. Baroness Thatcher, who served Pinochet tea at her London home two weeks ago, wrote to the Times newspaper that he "did so much to save British lives" during the 1982 Falklands War, when Chile supported Britain in its conflict with Argentina. Pinochet "must be allowed to return to his own country forthwith", Thatcher wrote in her letter to the Times.*

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979 *Between Wishes and Interests: Britain's Policy Preferences on the Issue of the Falkland Islands 1966-68* Andrew Mao-Lin Chou 2000 (University of Bristol internet published thesis).

980 And a butterflu flapped its wings? Part of Chaos Theory. A small event in one part of the world, can have serious repercussions in others. See below.

981 A change of heart? Not necessarily. A cautious approach in Argentina, may keep your windows unbroken.

982 *Penguin News* October 23, 1998. Szusterman was also a member of the South Atlantic Council (SAC).

983 In Chile, a 1978 amnesty had forgiven all allegations against the Pinochet regime, however the Spanish magistrate argued that a Chilean law could not bind the Spanish courts. See November 25, 1998 below

984 *CBS News* October 19, 1998

Prime Minister Tony Blair's official spokesman said Thatcher had mistaken the nature of the Pinochet case. "Her remarks suggest that she would like this to be a political process," he said, "It is not a political process. It is a judicial process". British police arrested Pinochet last week as he recovered from back surgery in a private London hospital after it received an extradition request from a Spanish judge wanting to try the former dictator on charges of genocide, torture, and terrorism."

"Baroness Thatcher has demanded that former Chilean Dictator General Pinochet be released from Britain, saying his actions shortened the Falklands war and saved British lives. ... "there were indeed abuses of human rights in Chile and acts of violence on both sides of the political divide. However, the people of Chile, through successive elected democratic Governments, have determined how they should come to terms with their past". She describes part of that process as the settlement of the status of General Pinochet, saying neither Spain nor Britain should interfere in what is an internal matter for Chile." [985]

October 23rd, in Britain's *Sun* newspaper, President Menem has an article published.

"The President of Argentina, Carlos Menem has offered his regrets for his country's invasion of the Falkland Islands. Writing for the UK tabloid the Sun, he said the 1982 conflict was a "sad and traumatic blot in the history of our relations". "Some brave young Argentine and British soldiers lost their lives in a conflict that should never have happened and that we deeply regret," he said. His statement appeared days before Mr Menem's trip to Britain next week – the first such visit by an Argentine head of state since the Falklands War. When asked if he was saying sorry for the war, Mr Menem told the BBC in Spanish: "No, saying sorry is something completely different". Mr Menem stressed that Argentina would continue to assert its claim to sovereignty over the islands, which it calls the Malvinas. However, he said his country would never again try to take the Falklands by force. BBC Diplomatic Correspondent James Robbins says Mr Menem has used similar language about the invasion before." [986]

October 26th, Britain's Foreign Secretary, speaking to the BBC in advance of the visit by Argentina's President, signals that Britain could be prepared to ease an arms embargo in place since 1982.

In London, the evening before the Argentine President's arrival in the UK, Falklands Councillors Jan Cheek and Mike Summers, meet with Foreign Secretary Robin Cook to discuss oil, fisheries and Argentina.

"They are placing great faith in the Government's assurance that the sovereignty of the Islands will remain with Britain, that this is not negotiable and that any attempt by the Argentine leader to raise it will be politely turned aside." [987]

October 27th, in Buenos Aires, *Clarin* reports: *"Hours before beginning his trip to Great Britain, in an interview with the Telam news agency, President Menem, yesterday, for the first time used the term "autonomy" to refer to possible solutions to the Falklands conflict.... Although the President did not point it out, this idea is similar to that of the Kelpers' self-determination."*

Arriving in London, President Carlos Menem,tells the press; "*.. I think that to a certain extent the wounds have healed, ..."*

985 *Penguin News* October 23, 1998
986 *Menem 'regrets' Falklands invasion* BBC News Oct 23, 1998
987 *The Times* October 27, 1998

At a working lunch between Prime Minister Tony Blair and President Menem, the conversation does not include any mention of the Falkland Islands. After the meeting, Blair clarifies that; *"The islands will not change their status unless their inhabitants express that desire themselves."* [988]

October 28th, speaking to an audience at Canning House, Carlos Menem says; *"My visit to the United Kingdom is prompted by a spirit of peace and reconciliation. Without forgetting the past, I have my eyes fixed on the future ... As President of the Argentine nation, I reiterate our firm belief in the legitimacy of our historic right ... I want my message of peace and reconciliation to be heard clearly by the islanders. On behalf of my fellow citizens, I hold out to the islanders, the hand of friendship with a view to reforging the bonds of our harmonious coexistence."* [989]

President Menem makes no apology for the invasion of the Islands in 1982, but again suggests a 'joint sovereignty' arrangement may still be the solution to the Islands' future.

"Argentine President Carlos Menem on Wednesday called to Britons to join Argentina in " ... a constructive and imaginative search" for a solution to their disagreement over the Falkland islands. ... Despite the call Islanders have received assurances from Her Majesty's Government that the sovereignty of the Falklands will not be discussed." [990]

"Twenty-four hours before the end of his visit to Great Britain, Menem revealed yesterday that the government is carrying out the necessary steps so that his daughter Zulemita will be able to visit the Islands and said that he is convinced that he could do so before the end of his term in office, in a year." [991]

October 29th, an Anglo-Argentine Joint Statement is issued; *"Each Government expressly reaffirms its known position with regard to sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands, and the surrounding maritime areas. Both Governments also reaffirm their support for the United Nations and the commitment of their respective countries to resolve their differences exclusively through peaceful means. Both Governments are determined to continue working together in a spirit of cooperation on all issues of mutual interest, particularly in the South Atlantic context."* [992]

"... in the joint statement both leaders establish their support for the United Nations. But what does this mean? That both leaders recognize the need to respect and comply with Resolution 2065 of that international organization? Or that both recognize and respect the need to apply and defend the principle of self-determination of peoples that this organization promotes in different conflicts and that the islanders seek? The Argentine president should have pressed harder so that the signed document includes the call made in 1965 by the General Assembly, since it is the cornerstone of the national claim because it recognizes a sovereignty dispute between Argentina and the United Kingdom, and calls on both governments to continue negotiations without delay in order to find a peaceful solution to the problem." [993]

November 2nd, in New York, the General Assembly defers consideration of the Falkland for another year. [994]

November 11th, *Penguin News* publishes an open letter from President Carlos Menem.

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988 *Falklands: reserved negotiations and attempts by Argentina and the United Kingdom to reach an agreement* Juan Bautista Yofre in *Infobae* December 9, 2019

989 Quoted in *UN Document A/AC.109/1999/12* (Working Paper)

990 *Penguin News* October 30, 1998

991 *Clarin* November 1, 1998. See 1999 below.

992 *UN Document A/AC.109/1999/12* (Working Paper)

993 Romero 2020. Resolution 2065 of 1965 has not (2025) been mentioned in a UN General Assembly resolution since 1984. Effectively buried at the UN since 1985. *cf.* 1984 & 1985.

994 *UN GA Decision 53/414*

"Sisters and Brothers: I immediately felt the need to get in touch with you after my official visit to the United Kingdom where, as you know, I met Her Majesty Queen Elizabeth, Prime Minister Tony Blair, many members of parliament and government officials, many business people and journalists. The fact that the the President of Argentina was invited and cordially welcomed by all, in spite of our existing differences with London, shows we all clearly understand the value of agreeing even to disagree. The atmosphere of democracy is not one of unanimity and uniformity, it is the civilised management of differences and, therefore the world is following attentively our behaviour. I am convinced that this visit and those meetings were very important, both to build trust and to strengthen the good relations existing already between our country and Great Britain, as well as to create the best possible expectations of brotherhood and cooperation in that space all of us occupy in the South Atlantic.

The English and Argentine press have correctly pointed out that a spirit of reconciliation, the main inspiration for this visit, is the road necessary to heal old wounds opened by the regrettable 1982 war, a road we opened in 1989 with the re-establishment of our diplomatic relations. The moving ceremony at St. Paul's Cathedral, with veterans of both sides, was thus the most clear and stimulating symbol of the fact that those scars and that pain have now become friendship and mutual respect. Both public opinion and the government in Britain have fully understood this gesture made by a peace-loving Argentina, a country growing in democracy and a brotherly and reliable partner for its neighbours in the region.I firmly believe that this visit, to paraphrase Martin Fierro, "... will harm nobody and will benefit everybody". When goodwill, common sense and reasonableness prevail we all win: in this way, a positive moral strength is generated and then it will be possible to find a solution for the problems of the past, while we get ready to face a better future for all. With my most heartfelt greetings – Carlos Saul Menem, Buenos Aires."

November 12th, in Buenos Aires, the South Atlantic Fisheries Commission holds its 14th meeting.

November 14th, *Clarin* reports Argentina's ex-ambassador to UNESCO, Gustavo Carabello, calling for the dispute with the UK to be placed before the International Court of Justice.

"A prior step would be to notify the United Nations General Assembly that Argentina wants to join the 59 countries now recognising the international court's competence to judge conflicts involving international law and accepting its decisions as binding." [995]

November 25th, in London, Britain's Law Lords determine, by a majority of three to two, that Senator Pinochet's status as a former head of State did not confer immunity from extradition proceedings in respect of the crimes alleged against him by the Spanish prosecutor. [996]

On the same day, Margaret Thatcher writes to Prime Minister Tony Blair calling for Pinochet to be returned to Chile; *"He is an old, sick man who on compassionate grounds alone should be spared what the future would otherwise hold. More important, if he remains here and is finally extradited this will cause serious problems*

995 As of 2025, Argentina has still not recognised the jurisdiction of the court as compulsory. The UK renewed its signature most recently on February 22, 2017, as it has every so often (six times since 1929), but with a caveat that compulsory jurisdiction only applies to disputes arising after January 1, 1987. Britain originally signed up to the World Court in 1920 with a caveat date set 30 years before. With every renewal, the UK's caveat date moves forward.

996 Set aside in January, 1999 by a different panel of five Law Lords, but then effectively reinstated by another seven-man panel in March 1999. Put simply, Pinochet could be extradited to Spain for any crimes committed after 1988., however, the final decision as to whether he would be, fell back onto the lap of Britain's Home Secretary.

both for Britain and for Chile. It can only do this country's reputation harm if it is known that those, like Senator Pinochet, who were our close friends in times of extreme national danger can subsequently expect to be betrayed in this way." [997]

"Blair's Labor government has been reluctant to intervene, and in an interview with European newspapers this week, Blair underlined the government's insistence that the arrest was a judicial matter, not a political one." [998]

November 27th, in Spain, a UNESCO conference debating the principle of self-determination concludes.

> *"The principle and fundamental right to self-determination of all peoples is firmly established in international law, including human rights law, and must be applied equally and universally. The peaceful implementation of the right to self-determination in its broad sense is a key contribution to the prevention and resolution of conflicts, especially those which involve contending interests of existing states and peoples, including indigenous peoples, and minority communities. … Self-determination is achieved by fully participatory democratic processes among the people who are seeking the realisation of self-determination, including referenda where appropriate."* [999]

In London, the South-West Atlantic Hydrocarbons Commission meets.

"A commitment to launch a licensing round in the Special Area of Cooperation was made this week … It was noted in a press release from the Commission that, "there is an encouraging number of points of principle on which both sides agree". … The commission also made a commitment to creating conditions which would allow, "substantial participation in activities," by companies from both Argentina and Britain." [1000]

December 11th, in Stanley, a letter is published in *Penguin News* from 'Acting Associate Professor of International Law' Marcelo Kohen – returning to the theme of the International Court; *"… Some of the comments unfavourable to the proposal stated that it is hard to have confidence that Argentina would respect a judgement that she did not like. The International Court of Justice's decisions are legally binding. In case of non-compliance, the other party can secure enforcement of the judgement through the Security Council, as provided for in Article 94(2) of the UN Charter. …"* [1001]

December 12th, from Santiago, Chile suspends the scheduled *Lan Chile* flights to the Falkland Islands in 'protest' at the detention of ex-President Pinochet in London.

> *"In a diplomatic swipe at Britain for its detention of the former Chilean dictator, Gen. Augusto Pinochet, the Chilean Government moved today to suspend all flights between Chile and the Falkland Islands, cutting off commercial air links between the British colony and the outside world. The initiative fell well short of breaking relations with London, as some senior members of the armed forces have advised the Government of President Eduardo Frei to do. But senior Government officials said the action was intended to force Britain into the embarrassing position of having to consider asking Argentina to begin flights with the islands.*

997 *Thatcher to Blair* November 25, 1998
998 *CBS News* October 23, 1998
999 *The Implementation of the Right to Self-Determination as a Contribution to Conflict Prevention – Report of the International Conference of Experts. Barcelona 21-27 November, 1998*
1000 *Penguin News* December 11, 1998
1001 Argentina ignored the Security Council in 1982, and has a history of ignoring arbitration decisions.

The measure is also intended to show appreciation to Argentina, which lost the 1982 Falkland War to Britain, for its support of Chile's claim that Britain has no right to hold General Pinochet for possible extradition to Spain to stand trial for murder, torture and other human rights violations.

Currently, the only commercial flights to the Falklands leave once a week from the southern Chilean city of Punta Arenas. Chile is also the base for daily supply flights to the islands. Argentina, which continues to claim sovereignty over the islands, has been pressing London to resume Argentine air links with the Falklands for years." [1002]

"British citizens are being advised against all non-essential travel to Chile by the Foreign and Commonwealth Office in London. The advise, ... state that: "Although street violence has abated over the past week, feelings against Britain and British nationals is likely to remain high, and could increase at any moment, for as long as Senator Pinochet is in Britain." [1003]

December 17th, Britain's arms embargo against Argentina is relaxed.

"Licences will only be granted for exports that we are satisfied would not, now or in the future, put at risk the security of our Overseas Territories in the South Atlantic or our forces operating there." [1004]

"It had been widely expected after a successful visit to Britain by President Carlos Saul Menem. "We will assess all applications for licenses to export goods to Argentina on a case-by-case basis," (Tony Lloyd) added, explaining that there were now "changed circumstances." But Mr. Lloyd (also) added: "There has been no change in the resolve of the Government to protect our Overseas Territories in the South Atlantic. The Government remains committed to defend them and the right of self-determination of their people." Prime Minister Tony Blair promised Mr. Menem at the end of October that he would order a review of the embargo..." [1005]

From Argentina, Foreign Minister Guido di Tella sends *Winnie the Pooh* books to the Falkland Islands as Christmas gifts.

" ... García del Solar was concerned about the role that the islanders had been given under the Menem government. In fact, he said that "the chancellor himself [Di Tella] met at the end of last year [1998], in Montevideo, with a member of the Malvinas Government, without the presence of British diplomats, and discussed ways of settlement, including the freezing of the sovereignty dispute"." [1006]

1002 *New York Times* December 12, 1998
1003 *Penguin News* November 27, 1998
1004 Minister Tony Lloyd quoted in *BBC News* December 18, 1998
1005 *The New York Times* December 18, 1998
1006 Romero 2020. No other details provided. Unconfirmed.

1999 — January 1st, in his New Year's Message to the Falklands, PM Tony Blair, says; *"... when I spoke to President Menem ... I told him unequivocally that the sovereignty of the islands was not for negotiation, nor was the right of you, the Falkland Islanders, to determine your own future ..."*

Foreign Secretary Robin Cook's message to the Islanders, addresses the *Bullrich-Forsyth* proposals of the previous summer; *"We have made it perfectly clear that the wishes of the Falkland Islanders are what count. They do not want shared sovereignty and in those circumstances there is no question of us agreeing shared sovereignty..."* [1007]

January 2nd, in a press release, Argentina expresses; *"... its unwavering determination to regain, through diplomatic negotiations, the exercise of sovereignty over the Malvinas Islands,.."*

In Argentina, documents become publicly available regarding the 1967 Anglo-Argentine sovereignty negotiations. Interviewed by the press, Deputy Foreign Minister Andrew Cisneros says that he is unaware of the contents of these documents. [1008]

January 3rd, interviewed by *Clarin*, Guido di Tella talks about his approach to the Falklands; *'... I think it is time for great Britain and Argentina to sit down around the table, to discuss all matters, as the United Nations Decolonization Committee urges. And that we discuss everything, the sovereignty, the matter of the lights, the fisheries. ... After 166 years,.. I believe that there is a level of trust with Great Britain that is better than ever since 1982."*

January 8th, in Stanley, Islands Councillors agree to consider a request by the Argentine Federation of War Veterans to erect a small cenotaph in the Argentine Military cemetery. Other proposals allowing Argentine next-of-kin to remain longer in the Islands, and to visit more frequently, are rejected.

January 12th, in Washington DC, at a press conference prior to a meeting with Argentina's Foreign Minister, US Secretary of State Madeleine Albright is asked about the Falkland Islands.

> *"Well, this is not a dispute between the United States and Argentina. I think that, clearly, there have been some proposals made, and as I said, I will be discussing this further with the Foreign Minister. But the issue of Malvinas-Falklands is one that can be resolved by the United Kingdom and Argentina, ... it is not appropriate for us to be specifically involved in this argument."*

In Argentina, on the same day, newspaper *Clarin* reports.

> *"The British government yesterday remained unmovable regarding its historic position regarding the Malvinas Islands. Through a spokesman, the Foreign Ministry stated that the sovereignty of the archipelago is not negotiable. Shortly before Carlos Menem's visit to Washington, the President of the United States, Bill Clinton, stated that he encourages an agreement that would end the dispute over the islands between Argentina and Great Britain. He did so in a report published by Clarín on Sunday. Although we have taken note of what Bill Clinton said, a spokesman for the Ministry headed by Robin Cook declared to Clarín yesterday that our position is very clear and completely understood by all parties. This position, reiterated several times by the British government, was summarised by the spokesman in the following words: " We remain committed to the right of self-determination of the islanders. There will be no change in the status of the islanders unless they so wish. We have no doubt about our sovereignty, which is not negotiable"."*

1007 Quoted in *The Falklands/Malvinas Case: Breaking the Deadlock in the Anglo-Argentine Sovereignty Dispute* R.C. Laver 2001

1008 *Clarin* January 2, 1999. Unlike the UK, there were no laws governing the release of government documents.

January 16th, on South Georgia, Grytviken church is re-inaugurated by the Bishop of Tunsberg, Magne Storli.

January 19th, in a supposedly private initiative, a '*bundle of ideas*' is put forward by Anglo-Argentine journalist Nicolas Tozer to Island Councillors Mike Summers, Lewis Clifton and Richard Cockwell. The '*ideas*' are based upon the premise that the Argentine Military Cemetery on the Islands would be declared as Argentine sovereign territory allowing Argentina to claim that it has achieved its aims of regaining sovereignty. That piece of land would fly the Argentine flag and have its own 'representative' at Stanley. In return, Argentina would drop its sovereignty claim, amend its constitution and support a move for Stanley to host the Antarctic Treaty Secretariat.[1009]

"Speaking to Graham Bound ... Di Tella said, "There is not such a proposal but I thought it was an interesting series of ideas which we should analyse. But we (the Argentines) did not produce these ideas. If the proposal is put to us we will analyse the merits with great care before giving any answer".” [1010]

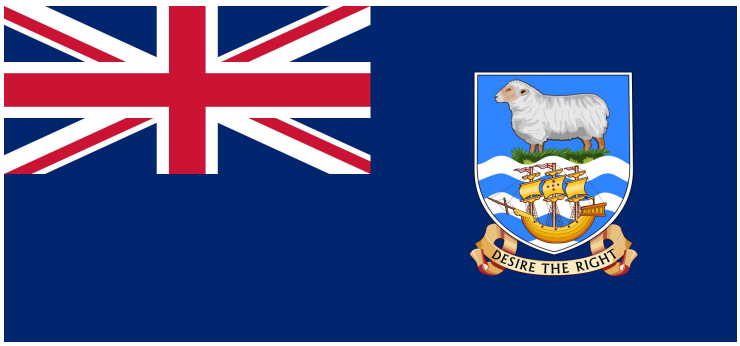
"As with prior initiatives, the islanders were highly negative in their opinions. ... Press reports indicated that Islanders deemed the proposal laughable. They failed to see the rationale of an Argentine territory consisting of a cemetery with a representative." [1011]

In Argentina, on the same day, Argentina's *Telam* news agency announce that Foreign Minister Guido di Tell has requested the UN Secretary-General, Kofi Annan to, *" encourage the British to start a dialogue on the Malvinas Islands..."*

> *"Di Tella said that it is not a question of the United Nations "stating that we are right or wrong but that, through UN mechanisms, we may be able to get to a negotiating table in order to talk to the British". He said, "We have asked him (Kofi Annan) to encourage the parties, the British, to sit and talk with us, because we are now hearing some disquieting rumblings". In this respect, Di Tell said, "the islanders are now claiming that we are harassing them, but, since there is no dialogue, it is difficult for us to understand them".”* [1012]

"At the beginning of 1999, Foreign Minister Di Tella travels to New York to meet with the Secretary General of the UN, Annan. He is accompanied by legislators from various political parties with representation in the Argentine Congress, including Caputo, Estévez Boero and Stubrin. The reason for the meeting is to request the head of the UN to personally intervene in the sovereignty dispute between Argentina and Great Britain over the Falkland Islands." [1013]

January 25th, a new flag is adopted by the Falkland Islands Government (right).[1014]



1009 There was a suggestion at that time, that this 'bundle of ideas' were not dissimilar to suggestion put forward by Conservative MP David Davis in the early 1990's.
1010 *Penguin News* January 22, 1999
1011 Laver 2001
1012 *Telam* January 19, 1999. Reported in *Penguin News*, January22, 1999
1013 Romero 2020
1014 The size of the arms increased and the white circle was removed.

March 9th, in Buenos Aires, Britain's Prince Charles arrives for a visit.

"Prince Charles shocked Argentina's politicians and diplomats by stating his "hope" that Argentina will be able to live amicably alongside the Falklands. ... the Prince,.. made the comment in a speech to a VIP audience including President Menem. In his speech at the Alvear Palace Hotel the Prince said,..."My hope is that the people of modern, democratic Argentina, ... will in the future be able to live amicably alongside the people of another modern, if rather smaller democracy lying a few hundred miles off your coast – a people just as passionately attached to their traditions – and be able to do so in a spirit of mutual understanding and respect, so that neither will again need to feel any fear from, or hostility towards, the other". Argentina's Vice-President Carlos Ruckauf said the Prince's speech was "intolerable" and that the Islands had been "usurped by Britain"..." [1015]

March 13th, at Stanley, Prince Charles arrives in the Falkland Islands.

"Hundreds of enthusiastic Falkland Islanders gathered around the perimeter of the playing field outside the Community School in Stanley at a little after 6.30pm ... to greet the future monarch. ... He walked the few yards to the gateway set in the wall and was immediately engulfed by the people he had cheered enormously with the now famous speech he had given in Argentina – seen by most observers as expressing open support for the inhabitants of the Islands." [1016]

March 17th, in London, a Government White Paper – *'Partnership for Progress and Prosperity: Britain and the Overseas Territories'* proposes a new relationship between Britain and its Overseas Territories, based on 4 principles – 1. self-determination, with Britain willingly granting independence where it is requested and is an option; 2. responsibilities on both sides, with Britain pledged to defend the Overseas Territories, to encourage their sustainable development and to look after their interests internationally, and in return expecting the highest standards of probity, law and order, good government and observance of Britain's international commitments; 3. the Overseas Territories exercising the greatest possible autonomy; and 4. Britain providing continued financial help to the Overseas Territories that need it.

"Part of the basis of the document was that the colonies (Overseas Territories) maintain their links with Great Britain if they so desired. Thus Great Britain changed its traditional claim over the Falklands based on its interpretation of the historical facts (certainly a weak position) for the principle of self-determination of the people. ... Nothing is said about resolving the sovereignty disputes that exist over the Falkland Islands and Gibraltar, but the paper makes clear the policy of retaining the status quo,..." [1017]

March 24th, in London, the Appellate Committee of the House of Lords rules that Chilean ex-President Pinochet does not enjoy immunity for acts of torture committed after 1988.

"They then threw out all but three of the 32 charges,... The charges, which also allege conspiracy to torture and conspiracy to murder, are contained in a warrant signed by a Spanish judge seeking to extradite General Pinochet to Spain. The 6-1 House of lords decision maintains the 83 year-old former dictator cannot be held accountable for acts of torture committed before 1988 when Britain made it an international crime. The final decision on whether Pinochet will be extradited or not now falls to the British Home Secretary, Jack Straw... Whatever his decision, it seems the LanChile question has moved far beyond the Pinochet case. Observers agree it is difficult to see what Chile has to gain if the link does end..." [1018]

1015 *Penguin News* March 15, 1999
1016 *Ibid*. March 19, 1999
1017 Bullrich 2000 p.224. The UK still relies on history as the basis for its sovereignty. Self-determination is a right that is attached to the colonial territory, not the UK. History favours the British. Self-determination favours the Islanders.
1018 *Penguin News* March 26, 1999

March 27th, in Argentina, *Clarin,* announces a visit by Guido di Tella to London with proposals for a direct air service between Argentina and the Islands; as an alternative to the current, suspended, *LanChile* service.

March 31st, from Santiago, *LanChile* decides to commence an interim charter flight and files the necessary papers for over-flight permission with Argentina. Permission is declined.

April 1st, from Buenos Aires, *La Nacion* reports that Argentina is to send representatives to its fellow Mercosur countries to persuade them that any flights to the Falklands must include a stop-over in Argentina. [1019]

> *"The eventual establishing of an air service from our country to the Falklands, could be the starting point for global negotiations with Great Britain concerning the sovereignty of the Islands."* [1020]

April 2nd, in Ushuaia, Tierra del Fuego, at a memorial service, President Menem sends a *"hug of gratitude"* to the ex-combatants that fought in the war of 1982; while Martin Balza, head of Argentina's armed forces, criticises the military leaders of that time.

"According to General Balza, the surrender of the Argentine troops was not the worst moment. "What was the worst moment was the reception of the army troops by the military authorities, who should have treated them like Rome did their defeated. We went to the Malvinas with the feeling of fighting for something which is undoubtedly Argentine; we fought with all our hearts and those who first of all recognised the heroic fight of the soldiers, officers and NCOs were the English"..." [1021]

In London, during a BBC Calling The Falklands broadcast, Argentine Ambassador Rogelio Pfirter tells the audience that the Falklands' issue; *"cannot drag on forever. At some stage Britain and Argentina will have to reach some sort of understanding that will enable to address a question that has been hanging over us for so long."* Also speaking, Viscount Montgomery, accuses the Islanders' elected representatives of being isolationist. Saul Pitaluga, Falkland Islands Association vice chairman responds that; *"The sovereignty issue is undoubtedly dead in the water."* [1022]

April 5th, in Argentina, at an event to mark Argentina's Veterans day, President Menem says that if the Falklands do not return to Argentina by the year 2000, as he had promised, the "*pathways*" will still be open. [1023]

April 6th, Andres Cisneros, Argentina's Vice-Foreign Minister, flies to Chile to discus the *LanChile* flight.

"The lack of flights between the archipelago and the southern cone is the only pressure that Argentina can use to try and persuade the Islanders to resume communications with Buenos Aires. Cisneros had to go to Santiago because of the growing optimism of Falklands officials, who continue negotiating with Lan Chile and other Chilean companies to resume the flights as soon as possible."

April 10th, following a submission of the necessary paperwork, Argentina again refuses over-flight permission to a *LanChile* charter flight to the Falklands. Following consultation with the Chilean government, *Lan Chile* suspends its air link with the Falklands for 90 days; ostensibly in 'protest' about ex-President Pinochet's continued detention in a London hospital.

1019 *Mercosur* is a southern trading block founded in 1991. Current members are Argentina, Brazil, Paraguay and Uruguay. Venezuela joined in 2003, but was suspended in 2016.
1020 Deputy Marcelo Sturbin quoted in *La Nacion* April 1, 1999
1021 *La Nacion* April 3, 1999
1022 *Penguin News* April 9, 1999
1023 *Clarin* April 6, 1999

"This is not directly against Great Britain, but more a gesture of thanks from Chile to Argentina because of the country's position following Pinochet's arrest." [1024]

However, Argentine newspaper *La Nacion* reports that the Argentine Foreign Ministry; *"... had got Chile, Uruguay and Brazil to reject the establishment of direct contact between their territories unless the flights stopped in Argentine territory."*

"If there are no flights, there will be no vegetables." [1025]

"The problems that we have with the air links options, ... is that while some are commercially and technically feasible they are not politically feasible. Most of those that are politically feasible are not technically or commercially feasible." [1026]

"The islands know the Chilean decision has little to do with Pinochet – other than in name – but much to do with Argentine wishes and quiet arguments of Presidents Frei and Menem over your recent Southern Border agreement." [1027]

"The Chilean refusal to allow flights between the Islands and its territory is not a circumstancia fortuita (sic). Chile's position is solidarity but not solitary. Brazil and Uruguay do the same and this has nothing to do with Pinochet. Those who can see beyond the anecdote, will see that it is simply testimony of active solidarity – not mere rhetoric of other times – obtained from Mercosur ..." [1028]

April 12th, *Clarin* publishes a piece by Andrew Cisneros; *"The lack of air connection the Malvinas are today suffering is greatly a product of a closed policy, stubbornly opposed to dialogue on the part of the Islanders' representatives and the Islands' administration. This policy has added to the geographical isolation ... the Islanders have cut off contact with the only two neighbours they have."*

April 15th, interviewed by Falklands Radio (FIBS), Guido di Tella denies any Argentine involvement in the Chilean decision to suspend the LanChile flights. Di Tella warns the Islanders against cancelling any next-of-kin flights in retribution, and tells the interviewer, Patrick Watts, that the Islanders are perceived as *"intolerant and hostile."*

"The listeners, according to MercoPress, jammed the radio station's phone lines to say that they would, "prefer not to have an air link it it meant they had to have a stop-over in Argentina"." [1029]

April 16th, the Chilean government is reported as threatening to ban British Airways flights into the country, if the proposed extradition of General Pinochet from Britain to Spain goes ahead.

April 28th, regarding the Chilean decision to stop *LanChile* flights to the Falkland Islands, PM Tony Blair, is quoted as saying; *"We have made it clear that we disagree with the decision, and we have made representations to the Chilean Government about it."*

May 7th, from Stanley, Governor Richard Ralph leaves the Islands at the end of his term of duty.

May 10th, in the Falklands, a 20mm *Mk.7A Oerlikan* cannon arrives for the fisheries protection vessel.

1024 Unnamed Chilean diplomat quoted in *La Nacion* April 10, 1999
1025 Argentina's Foreign Minister Guido di Tella quoted in *La Nacion* April 11, 1999
1026 Councillor Mike Summers quoted in *Penguin News* April 16, 1999
1027 Tim Miller in *Penguin News* April 30, 1999
1028 Argentina's Vice-Foreign Minister, Andres Cisneros, in *La Nacion* May 24, 1999
1029 *Penguin News* April 23, 1999

"There is no doubt that the poaching the Falkland Islands is having to deal with is systemic because the rewards are there ... Skippers of poaching Far East jiggers have known that the islands' two patrol ships were not armed..." [1030]

May 12th, Donald Alexander Lamont becomes Governor of the Falkland Islands.[1031]

May 15th, Falklands Fisheries Protection officers fire on an unlicensed Taiwanese fishing vessel, *Shan Fu 8*, which refuses to stop. *Shan Fu 8* is hit, but still refuses to heave-to. Pursuit is abandoned at nightfall.

May 20th, in London, a group of delegates from Argentina's opposition 'Alliance' parties have a meeting with the Foreign Office's Tony Lloyd. They are invited to extend their stay in the UK's capital for a few days, so that they can attend a planned encounter between Islands' Councillors and Guido di Tella. Consultations ensue with their leaders back in Argentina.

"But the order that came from Buenos Aires was the following: "Keep to the original idea of promoting a bilateral legislative relationship to begin to find a solution to the conflict through a parliamentarian group. And that does not include the Islanders"." [1032]

"The meetings were very fruitful because we saw important changes in the British position, before we were not allowed to talk about the Malvinas and in this case it was the core of the conversation." [1033]

May 25th, Britain's Foreign Secretary, Robin Cook, meets with Guido di Tella.

May 26th & 27th, in London, talks instigated by the Falkland Islands Government, take place between Islands' Councillors and an Argentine delegation. [1034]

The meeting is opened by Britain's Minister of State Tony Lloyd.

"Islands' councillors, supported by a British delegation, spent Wednesday and Thursday in meetings with Argentine politicians ... At the meeting views were exchanged on air links and human contact to and from the Falkland Islands including access by Argentines and it was agreed, "to continue studying this matter constructively". " [1035]

"A joint statement from the British and Argentine delegations said that the talks were held "in a friendly, open and constructive atmosphere building on the new spirit in the relationship." Both delegations agreed to continue to work together to "make progress over a range of South Atlantic issues of common interest". The Councillors said: "We hope we can find ways of cooperating for our mutual benefit and learn to live alongside each other as friendly neighbours in an atmosphere of mutual respect."." [1036]

May 28th, in Argentina, *Clarin* reports:

> *"For the first time Argentina has accepted that the Kelpers be part of the negotiation. In spite of this risky step it has not obtained the Islanders agreement to resume flights from the continent. This has been left to consultations in the islands."*

1030 *Fishing News International* May 1999
1031 Ambassador to Uruguay 1991 to 1994
1032 *Clarin* May 24, 1999
1033 National Deputy Fernando Maurelte quoted in *La Nacion* May 24, 1999. I have found no British reference to this meeting between Tony Lloyd and the Argentine cross-party delegation.
1034 Councillors Halford, Luxton, Cheek and Edwards faced Foreign Minister, Di Tella, his deputy Andres Cisneros, Ambassador Pfirter and other members of their Foreign Ministry.
1035 *Penguin News* May 28, 1999. Councillors accepted an invitation to dinner at Argentina's London Embassy.
1036 *Falklands Focus* June/July 1999

In the UK, a Consultative Council is established to facilitate an annual meeting between the elected representatives of the Overseas Territories and British Ministers. [1037]

June 2nd, interviewed by the *Falkland Islands Newsletter*, Guido di Tella says that his country would be willing to sign a treaty, if Islands' Councillors will agree to a flight from Argentina.

"In light of what the Foreign Minister has said in the interview, I can only presume he was not listening..." [1038]

June 10th, Argentina issues its a press release on its "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.".

"On the day of the 170th anniversary of reaffirming the sovereignty of the Malvinas Islands, Foreign Minister Di Tella forecast that it will take longer than twenty years to be able to negotiate with Great Britain the recuperation of the archipelago." [1039]

June 16th, in London, the South Atlantic Fisheries Commission holds its 15th meeting. Revenue from fishing licenses issued by the Falkland Islands Government is estimated at £20 million.

June 28th, in Brazil, Foreign Secretary Robin Cook and Foreign Minister Guido di Tella meet; *"The visits of Argentines to the Islands is an area in which the islanders are very flexible, more flexible than with the flights."*[1040]

Argentina's President Menem also arrives in Rio de Janeiro, where he speaks to Robin Cook.

"Ten minutes were enough for President Carlos Menem and British Foreign Secretary Robin Cook to agree upon the hope that the Kelpers "think things over" and agree to resume communications with Continental Argentina. .. At the end of the meeting Foreign Minister Guido di Tella said that the British Minister had assured the president that "there is a favourable consensus to resume communications" with the islands." [1041]

June 30th, *La Nacion* reports; *"Three days before the meeting in New York between the Argentine and British delegations, British Deputy Foreign Secretary Tony Lloyd has said that Great Britain "will carry out these conversations with absolute respect for their constitutional mechanisms, and because of that, the islanders' autonomy has its limits".*

July 1st, in New York, the Special Committee on Decolonization commences its annual consideration of the Falklands NSGT. Speakers include Sharon Halford and Jan Cheek of the Islands' Legislative Council; also Argentine petitioners Alejandro Betts, Carlos Moyano Llerena and Ricardo Ancell Patterson. Jan Cheek and Sharon Halford address the Committee.

> *"We're certain of our right to self-determination and look to this committee to recognise that right, thus upholding one of the most basic principles of the United Nations Charter. ... Why should we suffer discrimination in this matter because of our small populations and proximity to another more powerful country?"* [1042]

1037 *Representing the Overseas Territories in the UK Parliament and Government* Philip Loft August 2024 House of Commons Library Research Briefing. See 2012
1038 Councillor Halford quoted in *Penguin News* June 4, 1999
1039 *Clarin* June 11, 1999
1040 Guido di Tella quoted in *La Nacion* June 28, 1999
1041 *La Nacion* June 29, 1999
1042 Councillor Jan Cheek quoted in *Penguin News* July 9, 1999

"This is a decolonization committee and one could ask whether it really is appropriate for us to be here. How long does one need to petition for a right that one is clearly entitled to." [1043]

Chile introduces a draft-resolution calling for sovereignty negotiations.

Argentina's Foreign Minister speaks before the Committee.

"When we speak of the Malvinas Islands, we do not hesitate to recognize the existence of an identifiable and well-defined community. There is no doubt that many of the islanders are the descendants and the result of a forcible territorial occupation which took place at the beginning of the nineteenth century. Virtually cut off from what was taking place only a few kilometres away, they lived and evolved alongside continental Argentina. It is clear from the events which occurred in 1833 that there was an earlier community, which had been largely displaced from the islands. The island community, whose existence and culture we are committed to respecting in our own Constitution, has a clear, dominant British identity, a characteristic which we recognize, but which is largely a result of the administrative shackles imposed for decades by the occupying Power, which have distorted the normal development of the South Atlantic." [1044]

As every year since 1991, the committee adopts Chile's draft-resolution by consensus (no vote).

"In a 1 July resolution [A/54/23], the Special Committee reiterated that a peaceful and negotiated settlement of the sovereignty dispute between Argentina and the United Kingdom would put an end to the colonial situation of the Falkland Islands (Malvinas) and accordingly requested them to resume negotiations." [1045]

Speaking after the committee's decision; *"The representative of Antigua and Barbuda said the issue of the Falkland Islands was not an issue of decolonization, but rather it was an issue that should be placed before the Security Council or the General Assembly. The representative of Venezuela said that his country believed that negotiations between Argentina and the United Kingdom were the only way to resolve the dispute. The representative of Indonesia expressed confidence that the dispute would eventually be amicably settled to the satisfaction of all parties concerned. The representative of Fiji said his delegation believed that it was necessary to focus on the persons inhabiting the Territories, and that the Committee needed to consult with the International Court of Justice for a legal opinion on the dispute. The representative of Grenada said that the dispute between Argentina and the United Kingdom had become less confrontational. He suggested that the inhabitants of the Falkland Islands should be involved in the process of discussions."* [1046]

Having maintained only limited co-operation with the Decolonization Committee since 1986, the UK adopts a new policy.

"6. UK policy evolved again by the mid-1990s, when it resumed some informal cooperation with C24, although the UK did not participate in formal Committee meetings. In 1999, the UK policy became one of an "informal dialogue on de-listing". The UK started informally discussing with successive C24 chairs the possible modalities for de-listing its Overseas Territories." [1047]

1043 Councillor Sharon Halford quoted in *Penguin News* July 9, 1999
1044 *UN Document A/Ac.109/2000/11.* Port Stanley is 1198 kilometres (1180 miles) from Buenos Aires and 782 kilometres (486 miles) from Rio Gallegos.
1045 *UN Yearbook 1999*
1046 *Ibid.*
1047 *Memorandum by the Foreign and Commonwealth Office O.T.18 May 2011. cf.* 1971, 1974 & 1986

Following the Decolonization Committee hearing, Islands Councillors Jan Cheek and Sharon Halford, meet informally with a delegation of Argentina's opposition 'Alliance' politicians. [1048]

"Mrs Jan Cheek and Mrs Sharon Halford, who were in New York to petition the United Nations decolonization Committee on July 1, also met informally with members of the Argentine Opposition party the same day. The meeting with Argentine politicians is described by the Falklands Council as, "A natural extension of the round of exploratory discussions held in London during May". In a press release from Gilbert House in Stanley, it is reported, "Councillors initiated this process in light of continuing improvement in relations between the governments of Great Britain and Argentina". ... The agenda for the meeting consists once again of "Issues of common interest in the South Atlantic." ... earlier this week, Argentine Ambassador to London Mr. Roger Pfirter, downplayed the significance of the meeting... A spokeswoman for the Foreign Office said it is not helpful that elements in Argentina are "talking up" the meeting... She described the talks as "informal" and said that no "breakthrough" is expected." [1049]

July 2nd, in New York, further Anglo-Argentine talks take place; attended by Islands Councillors.

"After the first round of talks in London and New York, the Foreign Secretary (Robin Cook) made a political judgement that they (the Councillors) must capitalize on the dialogue. It was his idea. But I would not call it pressure." [1050]

July 11th, in Stanley, some 350 Islanders, aware that talks are taking place, but uninformed and suspicious about what is happening, stage a protest. [1051]

"Falklanders protesting against Argentine pressure for access ... are calling for a new council. More than 400 Falklanders carried anti-Argentine slogans as they marched to Government House on Sunday with a petition demanding a general election. ... Under heavy Argentine pressure, Chile extended a ban by six months on flights to the Falklands ... demonstrators would rather do without tourism revenue ... than making any concession to Argentine pressure." [1052]

"They were declaring their concern and venting their frustration that there had been insufficient consultation with all Islanders to assess their attitudes and allow them to voice their opinions." [1053]

In Santiago, Chile suspends the *LanChile* flight for a further 180 days.

July 13th, in London, Argentine and British delegations meet with Falklands Councillors present.

"Foreign Secretary Robin Cook commended the Islands Councillors for initiating the talks, the third in a series of recent meetings between Britain and Argentina." [1054]

1048 *Penguin News* July 2, 2020

1049 *Ibid*. July 10, 2020

1050 Governor Donald Lamont in interview with Argentina's *Clarin* newspaper July 23, 1999

1051 Anecdotal evidence suggests that the reaction from the majority of Islanders was close to insurrection. Unruly protests took place outside the homes of councillors and two islanders broke into the armoury of the Falkland Islands Defence Force; removing firearms and ammunition. At the time, news of the extent of this Islander backlash was suppressed by the Blair government, which feared an adverse reaction from the British public.

1052 *The Independent* July 12, 1999

1053 *Falkland Islands Newsletter No.75 October 1999.* This incident was confused by *The Times* and *Guardian* newspapers with another smaller demonstration about a visitor to the Argentine Military Cemetery unfurling an Argentine flag. *The Times*, in rather sensational headlines, reported 2000 people present – rather more than the population of Stanley. The flag incident only provoked a demonstration of some 150 people, on the airport road, as the visitors were leaving.

1054 *Falklands Focus* September/October 1999

July 14th, following a further meeting, Britain and Argentina announce an agreement; after first reasserting the overarching use of the sovereignty-umbrella used in 1989. Councillors Mike Summers and Sharon Halford sign a joint statement as 'witnesses'. [1055] The Joint Statement is published.

> *"The two Ministers recalled the Joint Statements made by the United Kingdom and Argentine delegations in Madrid on 19 October 1989 and 15 February 1990, which made possible the normalisation of relations between the two countries, and the re-establishment of successful co-operation in the bilateral sphere. They agreed that the formula on sovereignty in paragraph 2 of the Joint Statement of 19 October 1989 applied to this Joint Statement and to its consequence. …*
>
> *II. Access and Air Services: 1. Argentine citizens will be able to visit the Falkland Islands, on their own passports. This provision applies equally to Argentine citizens travelling by air and sea. 2. Full support for the immediate resumption of direct scheduled civil air services between Chile and the Falkland Islands by Lan Chile or any other carrier agreed between the Parties. From 16 October 1999, these services will include stops in mainland Argentina, where they will be able to take on and discharge passengers, cargo and mail. 3. The possibility of flights between the Falkland Islands and third countries was welcomed with the option, from 16 October 1999, of making stops in mainland Argentina.*
>
> *III. Fishing: In the light of the shared commitment to the maintenance and conservation of fish stocks in the South Atlantic, existing levels of cooperation between the United Kingdom and Argentina will be enhanced. In this context officials will meet shortly to consider the question of the relative stability of fish stocks, poaching, and other questions related to it and to recommend coordinated programmes of practical measures with the objective of putting them in place before 9 October 1999.*
>
> *IV. Confidence Building: 1. With a view to the further development of reconciliation and mutual understanding: a memorial to members of the Argentine armed services killed in action in 1982 will be constructed at the Argentine cemetery in the Falkland Islands. 2. The Argentine Government is prepared to look at the question of toponymy in the Falkland Islands. To that end it will continue to consult the appropriate national institutions. 3. As the Prime Minister of the United Kingdom and the President of Argentina agreed in October 1998, the two Governments will continue to work together to evaluate the feasibility and cost of clearing the land mines still present in the Falkland Islands."*

The 'Joint Statement' is accompanied by a 'Side Letter' handed by Britain's Foreign Secretary, Robin Cook to Argentine Foreign Minister, Dr. Guido di Tella.

> *"I. Visits*
> *(1) An Argentine passport valid for the duration of the intended stay will be needed by an Argentine citizen for visits to the Falkland Islands.*
> *(2) Argentine passports presented by visitors to the Falkland Islands will be stamped on the same basis as all other passports presented by visitors to the Falkland Islands.*
> *(3) The number of visitors to the Falkland Islands at any one time needs to reflect local capacity including the availability of accommodation. Visitors will be required to arrange accommodation in advance and to have a return ticket and sufficient funds for their intended stay.*
> *II Air Services*

1055 Claims that this amounted to recognition of the existence of the FIG by Argentina are moot as the agreement (and its signatories) fell under the 'umbrella'.

(1) The Argentine Government will seek the consent of the Chilean Government to the immediate resumption of civil air services between Chile and the Falkland Islands, operated by Lan Chile or any other carrier agreed between the Parties."

LanChile stop-overs in Argentina are limited to two a month. Also, albeit not stated, responsibility for the upkeep of the Argentine Military Cemetery near Port Darwin, passes to the relatives of those buried there. There is no agreement for any Argentine flags to be flown in the Military Cemetery, or anywhere else in the Islands. Argentina does commit to recognising the capital of the Islands as Stanley, not Puerto Argentino.

"Politically it is important that there has been a de facto recognition that the Islanders exist, and I believe that it was good that their signatures appear on the joint declaration." [1056]

"... at the 14th July meeting in London where, through an agreement which sidestepped the question of sovereignty, they became de facto third parties in the dispute. This is contrary to Argentina's traditional position, which only recognises the United Kingdom, responsible for occupation by force in 1833, as the only valid interlocutor with whom to settle the dispute. Consequently, the Islands' colonial government has never been recognised; nor has it been accepted, (until the London event) that the islanders should sit around the negotiating table in a role other than as observers within the British delegation, without any rights to participate in discussions, let alone sign agreements. ... During the meeting, Falklands government representatives Mike Summers and Sharon Halford, ***disguised as members of the British delegation****, were the leading voices. They discussed the terms of the agreement with the Argentine Foreign Minister and then appended their signatures alongside those of the two foreign ministers, our ambassador to London and other high level officials."* [1057]

"Presumably Councillors considered that what they obtained from the treaty was worth what they conceded, but they foolishly made no attempt to carry the public before signing. Predictably many Islanders saw the agreement as a breach of trust. ... Rex Hunt issued a curiously worded statement insisting that "members should support the Islands Councillors in their apparent exercising of their much-valued self-determination". His opinion of Councillors' independent judgement was clearly low. He remained Chairman (Falkland Islands Association) until 2004." [1058]

At the following press conference, Foreign Secretary Robin Cook answers questions.

"There is nothing whatsoever in this agreement that compromises the position either of Britain or of Argentina in relation to sovereignty. .... Yes, there have been some on the islands who have rejected this agreement. Our understanding, and very firmly the understanding of the Council as well, is that they represent very much a minority view within the Islands. Of course people are entirely at liberty ... to express their view, but I would appeal to all those who have a view to express to do it legitimately, without violence and without intimidation which is not acceptable..." [1059]

"Robin Cook had no qualms about rubbing it in, when he said, "Argentine passport holders will have the same rights (to travel to the islands) as any other foreigner..." and Di Tella did not turn a hair." [1060]

1056 Governor Lamont quoted in *Clarin* July 23, 1999
1057 Argentine diplomat Lucio Garcia del Solar in *Clarin* October 8, 1999. My emphasis.
1058 Elgood 2025
1059 Robin Cook quoted in *Penguin News* July 16, 1999. 350 protesters would have amounted to over 12% of the populations. The equivalent of well over 6 million in the UK in 1999
1060 Lucio Garcia del Solar in *Clarin* October 8, 1999

From Stanley, the Falkland Islands Government issue a statement.

> "*We recognise as much as anyone else that even limited access by Argentine passport holders is a very difficult pill to swallow … we believe granting access to Argentine nationals is a necessary step to take in order to retain the support of the British public and Parliament.*" [1061]

"Before the ink was even dry, President Carlos Saul Menem called his recent agreement with Britain to allow Argentine tourists to visit the Falkland Islands for the first time since the 1982 Falkland war "the crown jewel" of his 10 years in office. Overjoyed by his self-proclaimed diplomatic victory, Mr. Menem said his daughter, Zulema, would be on the first commercial flight between Argentina and the Falklands in October. He said he would soon follow, hinting that he might even make it to the South Atlantic archipelago before his term ends in December as a victorious swan song. Not to be outdone, Foreign Minister Guido Di Tella said he wanted to go…" [1062]

"The agreement was the climax of Di Tella's policy of seduction." [1063]

"It should be remembered that the instruments of the July 14, 1999 were not submitted to the National Congress for approval." [1064]

July 16th, in Buenos Aires, *Clarin* reports:

> *"The name Puerto Argentino has its days numbered. The government already analyses the formal alternatives to repeal the decree by which the former de facto president Leopoldo Fortunato Galtieri renamed the Malvinese capital on April 16, 1982. The joint statement signed by the foreign ministers of Argentina and the United Kingdom in London on Wednesday included that "the Argentine government is ready to discuss the issue of toponymy in the Malvinas Islands." A day later, with unexpected urgency, the project had already started. Yesterday two appropriate mechanisms began to circulate from the officialdom to remove – literally – from the map the Argentine port. The first is the law bill that will be presented today (by) the deputy Justicialist Fernando Maurette – with the permission of Chancellor Guido Di Tella – in the Lower House."*

From Stanley, *Penguin News* reports:

> *"On Wednesday in London, Britain and Argentina signed an agreement on a package of measures that they say will, "… build confidence and reduce tension between the Falkland Islands and Argentina". Councillors acknowledge that parts of the agreement, "contain elements which are difficult" such as access for Argentine passport holders, but say, "There are significant elements too, which are positive in developing the security of our economy and enhancing our rights. We have to look at the overall agreement and the part it plays in a wider continuing process of securing our future"… "*

July 19th, a public meeting is held in Stanley.

"Councillors were accused of breaking promises during Monday's public meeting on the Argentine/Falklands agreement. Around four hundred people crowded in to the Town Hall meeting at which members of the public said councillors had not fulfilled their promise to return to the Islands and consult with the electorate before

1061 Quoted in *The History of the Falkland Islands* M. Cawkell 2001 p.169.
1062 *New York Times* July 31, 1999. There appears to have been another unwritten agreement that high-profile visits would not take place without a prior invitation from the Falkland Islands Government.
1063 Bullrich 2000 p.228
1064 Abruza 2020

signing any agreement. Councillors responded saying they had had to move fast to capitalise on what they wanted to achieve. Councillor Summers said, "We either had to jump or drown – we jumped". ... Councilor Clifton spoke of how the agreement involved the Argentine Government recognising the Falklands Government for the first time. ... Councillor Edwards spoke out against the deal..." [1065]

"The Councillors had opened the floodgates to mass, virtually uncontrollable, Argentine tourism, despite the fears of many – perhaps the majority – of ordinary Islanders." [1066]

"Legislative Council member Richard Cockwell said that after 160 years, Argentina, thanks to the agreement, had finally recognised "the government of the Falkland Islands". ... This leads to one of the most incomprehensible aspects of Argentine diplomacy in London, which not only affects national honour but also compromises the efficient defence of our case." [1067]

"Those who opposed the new attitude to Argentina remained angry with their elected councillors ... Some of them found difficulty in explaining this emotion rationally, and I knew them well enough to realize that they were not merely resisting progress or change. These were deeply held feelings that stemmed from 1982 and the psychological baggage they carried." [1068]

July 20th, at Stanley, two Argentine journalists, Ana Gerschenson (*Clarin*) and Marcella Mora y Araujo (*La Nacion*), arrive on Argentine passports. [1069]

Argentine newspaper *La Nacion* reports: *"Both foreign ministers flatly ruled out that the arrest in London of the former dictator Augusto Pinochet had a decisive impact on the agreement with Great Britain on flights and visits to the islands."* [1070]

July 21st, in Santiago, Chile's Government lifts the ban on the *LanChile* flight to the Falklands; *".., "... it is clear that Chile's attitude of support to the Argentine position has been a very decisive element in the agreement reached," said Foreign Minister Gabriel Valdés..."* [1071]

"Flights from Punta Arenas carry tourists and about 24 tons of products per month. It seems that the flights from Punta Arenas do not give any benefit to Argentina and ... allows between 200 and 300 Chileans to be working on the islands, 160 have permanent residence (some already consider themselves British islanders), which is a high figure for such a small population (with the authorization of the flight, the Chilean presence as permanent inhabitants went from 1.5% to more than 6%). ... Kelpers also have a fluid communication with the continent which they appreciate very much." [1072]

In Buenos Aires, on the same day, British Foreign Office Minister, Tony Lloyd, praises President Menem's role in achieving the Anglo-British agreement; *"I want to pay tribute to the important role played by President Menem, who has worked very hard to strengthen relations between our countries."* [1073]

An opinion poll conducted in Argentina by MORI reveals that while 44% of those questioned are happy with the Anglo-Argentine agreement on flights, 61% did not feel it was a great step forward. Only 16% believed that Argentina would eventually regain sovereignty.

1065 *Penguin News* July 23, 1999
1066 Graham Bound in *Penguin News* August 6, 1999
1067 Lucio Garcia del Solar in *Clarin* October 8, 1999
1068 Gurr 2011
1069 Not the first Argentine passport holders to arrive in the Islands. See November 3, 1993
1070 *Chile autorizo los vuelos a Malvinas* in *La Nacion* julio 20, 1999 in Romero 2020
1071 *La Nacion* July 16, 1999
1072 Caviasca 2018
1073 Quoted in *Penguin News* July 23, 1999. Less than a week later, Lloyd was replaced by John Battle MP in a reshuffle.

July 22nd, the South-West Atlantic Hydrocarbons Commission holds its 7th meeting in Buenos Aires.

"The Commission will be ready to license when the industry is more confident about committing funds to high risk exploration areas." [1074]

July 23rd, *Clarin* reports that the Governor of the Falklands has advised Argentina's Foreign Minister not to visit the Islands, as there is likely to be a hostile reaction.

"The visits of important people are a delicate subject. The agreement is still very controversial in the Islands... I don't want to sound negative but there are people with very strong opinions, and we need to continue with the process. ... As Governor I would not want to be in the position in which a distinguished visitor is not received as one would wish. It has to be recognised that there is a local sensitivity and we don't want anything to happen to reverse the process. Let's proceed cautiously. It would be unwise of me to say that it would be good for a visit ... The atmosphere in the Islands is such that it would be to invite problems and hostility against the visitor. And that isn't what we want." [1075]

July 26th, in Buenos Aires, President Menem defends the agreement; *"We are not going to lower our arms until sovereignty returns to our Fatherland."* [1076]

> *''The Federation of Veterans have publicly expressed their rejection of the agreements signed two weeks ago and consider that to present their passports recognises British sovereignty."* [1077]

July 31st, *La Nacion* reports an interview with the Falklands Representative in London, Sukey Cameron.

"She doesn't smile, her courtesy is more like distant dealings and if there is something that she has too much of, it's not words. Sukey Cameron... didn't alter her tone when she assured La Nacion that, "We haven't got anything against the entry of Argentines. The requirements we ask for to enter the Islands are the same as for any foreigner"..."

August 1st, in Argentina, a previously unheard-of terrorist group – *Comando de 2 de Abril* – threatens to shoot down the *LanChile* flight destined to stop-over at Rio Gallegos; complaining of the, *"shameful conditions imposed by the British."*

August 7th, in the Falklands, at Mount Pleasant airport, the first *LanChile* flight following the agreement, lands with 48 Argentines on board. Thirty five are journalists. [1078]

"The attitude of many was hostile, arrogant and intrusive and they produced some of the most malicious journalism the Newsletter has ever seen. Those Islanders known to oppose the recent agreement were targeted, and the Argentines gloated over the divisions in Falklands society that it had caused. ... La Nacion was unusually aggressive. Its reporter, Diego Perez Andrade, had been a Telam journalist during the '82 war."[1079]

"... about thirty Argentine media and business people stepped on to the MPA tarmac as twilight descended. Since the flight did not touch down in Argentina they had taken the trouble to go to Chile first in order to catch

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1074 Phylis Rendell, Director of Mineral Resources, quoted in *Penguin News*, July 30, 1999
1075 *Clarin* interview with Governor Lamont published in *Penguin News* July 30, 1999
1076 *La Nacion* July 27, 1999
1077 *Ibid.*
1078 *Daily Telegraph* August 9, 1999. *The Times*, of the same date, gave the number as 70 Argentines, including 35 reporters. Both mentioned one war veteran (Edgardo Esteban?).
1079 *Falkland Islands Newsletter* October, 1999

it. One, dressed as a gaucho, knelt and kissed the surface. The symbolism of the act was lost on me, as the tarmac was almost certainly imported from the UK. … Mr. Diego Maradona was not on the flight as had originally been promised. He was suggesting that he might come on 16 October, when the direct link with Argentina was resumed, but a journalist that knew him expressed doubt. She muttered something about the dearth of nightclubs in Stanley." [1080]

August 8th, at the Military Cemetery, an Argentine national unfurls an Argentine flag; laying it over a grave.

"An Argentine flag flew yesterday in the Argentine Cemetery at Darwin (sic) in front of the 236 graves of the dead of the 1982 war. Martin Matzkin, second cousin to the Vice-Minister of the Interior Jorge Matzkin, who is part of the group that arrived on Saturday in the Malvinas Islands, accomplished his dream yesterday and unfurled the colours of the Fatherland in Malvinas territory." [1081]

August 14th, in the area of Wall Mountain, Falkland Islanders stage a protest aimed at Argentine journalists. [1082]

August 15th, flying out, the reporter from Argentina's *Clarin* newspaper details his departure from the Islands:

> *"Some 50 kelpers yesterday cut the road connecting the city with the airport of Mount Pleasant and attacked kicks and punches (at) the micro carrying the Argentine contingent, which was the most serious incident of the visit. The kelpers, who mobilized some thirty trucks, were upset by the presence of Argentine and news of government plans for President Carlos Menem to visit the islands on October 16…"* [1083]

"More than 200 people attended Saturday's demonstration which protested against access to the Falkland Islands for Argentine passport holders. Although the protest was largely peaceful, a number of people are said to have obstructed the passage of a bus carrying Argentine journalists, and spat and kicked at it. … One protester was physically removed from the road by a policeman after he ran in front of the bus in an attempt to prevent it driving away." [1084]

August 24th, in London, in response to an Argentine request that a permanent Argentine/British Parliamentary Commission be set up to deal with any issues following the latest agreement, Foreign Secretary Robin Cook declines, stating that the existing friendship group, headed by Tom Cox MP, should be quite sufficient.

August 27th, in the UK, Chairman of the Falkland Islands Association and ex-Governor of the Falklands, Sir Rex Hunt, calls upon Argentina to deliver on its promises regarding a fisheries agreement; by October 9, as laid down in the agreement of July 14, 1999. Sir Rex tells Association members; *"The majority of our Committee continues to support the democratically elected councillors for as long as they continue to enjoy the confidence of the majority of the electorate."* [1085]

August 29th, *La Nacion* reports:

> *"Public anxiety is now focusing on a key date, 9 October, by which time Argentina and Britain must reach a fisheries agreement long since demanded by the Islanders. Negotiations will commence in Madrid on 2 September. In the event of such an agreement not being reached … the local government threatens to stop access to Argentine nationals. Although the MFA (Ministry of Foreign Affairs) say the*

1080 Gurr 2011
1081 *Clarin* August 10, 1999
1082 Not widely reported, but noted in a court case against a coach driver for driving without care and attention. See *Penguin News* October 1, 1999 p.2
1083 *Clarin* August 15, 1999
1084 *Penguin News* August 20, 1999
1085 *Penguin News* August 27, 1999

islanders alone could not take such a measure, there is a unanimous view on behalf of the councillors that they have full authority, delegated by the British government, to control civil aviation and immigration matters in their territory."

September 2nd & 3rd, in Madrid, the South Atlantic Fisheries Commission meet.

"... eight practical measures to combat illegal fishing were agreed yesterday, these have been recommended to the respective government to take effect from 9 October next as envisaged in the 14 July agreement. ... A joint communique issued by British and Argentine government ... says that important consensus has been reached to control poaching (and) a series of measures of scientific cooperation... A diplomatic source told Clarin "the Islanders have an exaggerated degree of optimism of the advantages they may get from the Madrid meeting"..." [1086]

"Councillors have welcomed progress made at the recent fisheries meeting with Argentina ... As a result they say they will not be threatening to withdraw access to the islands for Argentines or prevent an air link with Rio Gallegos. ... Councillor Edwards, however, who has traditionally opposed the July 14 agreement, said although she was pleased that there was some movement on fisheries she was unhappy that there was going to be no detailed and signed agreement." [1087]

"Granting the islanders so big a role in matters as vital as fisheries policy in disputed waters is tantamount to favouring intentions which are completely against our national interest." [1088]

September 5th, at a congress in Sala, Argentina's Federacion Nacional de Veteranos de Guerra de Malvinas, resolve not to return to the Falklands if they have to show their passports.

America's *New York Times* reports.

"... the agreement has not turned out to be everything Mr. Menem had hoped. His hand-picked Vice President, Carlos Ruckauf, has sharply criticized the pact for obliging visiting Argentines to carry passports, an explicit recognition that the archipelago is foreign soil and not Argentine, as stated in the Constitution. ...

There have been several small but nasty demonstrations against the agreement, including one in which a few hundred islanders burned an Argentine flag and threw stones at the house of a local official who supported the negotiations that produced the agreement. ... the British Governor on the islands gave an interview to Clarin that warned high-placed Argentines to stay away. "The atmosphere in the islands is such that it would be asking for problems and hostility toward the visitors", the Governor, Donald Lamont, said. "I don't want to sound negative, but there are people with very strong opinions". Councilor Mike Summers, who was one of two Falkland representatives who helped negotiate the agreement, told an Argentine radio station that Mr. Di Tella and Mr. Menem ought to postpone their visits, because, "there are still angry feelings in the Falklands toward the Argentines."..."

September 10th, at the UN, the Special Committee on Decolonization publishes its report for 1999; *"The Special Committee should continue to encourage the resumption of negotiations between the Governments of Argentina and the United Kingdom, aiming at finding a solution to the question of the Falkland Islands*

1086 *Clarin* September 4, 1999
1087 *Penguin News* September 10, 1999
1088 Lucia Garcia del Solar in *Clarin* October 8, 1999

(Malvinas) and taking into consideration the interests of the population of the Territory, in accordance with the relevant United Nations resolutions and decisions."

All the Committee's resolutions are recommended for adoption by the UN General Assembly – except one. The Committee's Falklands resolution of July. [1089]

Researcher's Comment: Ever since its creation, the Special Committee on Decolonization has prepared an annual report which it transmits to the Fourth Committee via the Secretary-General. Between 1998 and 1999, there was a notable change to the format of the Committee's report. Up to, and including 1998, the Committee noted its decisions and resolutions for the various territories and either recommended their resolution for adoption by the General Assembly, or – as in the case of the Falklands – merely published the resolution in its entirety.

A/54/23 (SUPPL)

X. American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands 201–218 24
XI. Tokelau 219–227 26
XII. Falkland Islands (Malvinas) 228–239 26
XIII. Recommendations
A. Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations 28
B. Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories 29
C. Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations 30
D. Question of New Caledonia 34
E. Question of Tokelau 35
F. Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands 36
A. General 37
B. Individual territories 39
G. Dissemination of information on decolonization 45
H. Military activities and arrangements by colonial Powers in Territories under their administration 47

The 1999 report was different, containing a separate section specifically entitled '*Recommendations*' in which the Committee listed those resolutions and decisions that it wished to see adopted by the General Assembly. The Falklands resolution was missing in 1999. It has been missing every year since 1999. [1090]

The implication should be obvious; that the attention the Special Committee gives to the issue of the Falkland Islands during its hearings is merely a placebo as it has no intention of recommending its resolution for adoption by the General Assembly of the United Nations. This is undoubtedly connected to the 1989 decision by Argentina to remove the question from the General Assembly. [1091]

September 11th, in Buenos Aires, *La Nacion* describes Robin Cook's response regarding the friendship group as effectively giving the go-ahead for sovereignty discussions; an assertion promptly denied by London.

September 14th, *La Nacion* publishes a national poll conducted by Gallup of Argentina revealing that 73% of those spoken to considered that the question of the Falkland Islands "*remained important*".

September 20th, in New York, Minister Di Tella has an informal meeting with the British Foreign Secretary.

"Foreign Ministers Di Tella of Argentina and Robin Cook, of Great Britain, congratulated each other over the first results of the London agreement that they themselves signed.... "I feel very satisfied and am very contented with the functioning of the agreement" said Cook to his Argentine equivalent. A comment that Di Telia reciprocated." [1092]

"The meeting lasted half an hour and, as an Argentine diplomatic source commented later, "it was a positive meeting in which there wasn't any discussion of major subjects, instead everything was about the implementation of the agreements" reached last July 14th in London. Over this, a source told Clarin that the

1089 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 1999.* See - https://falklandstimeline.wordpress.com/wp-content/uploads/2024/09/decolonization-committee-report-1999.pdf
1090 Invariably the Committee's Falklands resolution is printed immediately before the 'Recommendations' section.
1091 See 1989.
1092 *La Nacion* September 21, 1999

possibility of a trip by Foreign Minister di Telia himself, as had been hoped for once, had been completely discarded. There was even less chance of a trip by Menem or his daughter Zulemita, which had been publicly rejected by the Kelpers as a possibility. Nevertheless, another source consulted said that Cook had taken note of the importance that a high level visit might have for the inauguration of a monument in memory of the fallen Argentines that are buried in the Darwin cemetery." [1093]

September 21st, at the opening of a new session of the UN, President Menem tells the General Assembly that he is convinced the conditions exist for Argentina and Britain to begin a dialogue towards a definitive solution of the sovereignty dispute. [1094]

September 22nd, the UK responds to Menem's statement; *"Representatives of the Territory had asked the Special Committee on Decolonization to recognize that they, like other democratic people, were entitled to exercise the right of self-determination and reiterated that the people ... did not want to be part of Argentina."*

Britain's mission to the UN, writes to the Secretary-General.

> *"The British Government shares the President of Argentina's satisfaction at the strengthening of relations between our two countries in the last year, ... culminating in July in the signing by British and Argentine delegations of an agreement on practical arrangements on access for Argentine citizens to the Falkland Islands, air links to South America and measures to enhance fisheries cooperation and to combat poaching of fish stocks. These measures represent an important advance in our bilateral relations and a milestone on the path of reconciliation.*
>
> *There is, however, nothing in the agreement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland Islands: we have no doubt about Britain's sovereignty over the Falkland Islands and the other British dependencies in the South Atlantic.*
>
> *The wishes of the people of the Falkland Islands must be heeded. The elected representatives of the Islanders expressed their views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other democratic people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not want to be part of Argentina.*
>
> *This year's agreement, however, showed clearly that we in the United Kingdom and Argentina can manage our differences on sovereignty while making practical arrangements on matters of common interest in the South Atlantic. The British Government is confident that our relations will continue to flourish in that spirit of reconciliation, cooperation and mutual interest."* [1095]

September 26th, in London, the *Sunday Times* newspaper reports that Chilean ex-President Pinochet has suffered a stroke which has left him bedridden. [1096]

October 5th, in New York, the UN's Fourth Committee reviews the report of the Special Committee on Decolonization. Cuba and Uruguay make passing mention of the Falkland Islands, to which, exercising a right of reply, the UK's representative tells the Committee that her Government's position is well known.

1093 *Clarin* September 21, 1999.
1094 *UN Yearbook 1999*
1095 *UN Doc A/54/420*
1096 See March, 2000

October 8th, in London, two Falklands councillors meet with the Foreign Office Director for the Americas, Peter Westmacott, to discuss whether a long term fisheries agreement will be signed before the 9th as dictated by the agreement with Argentina; *"Late on Thursday evening, they had nothing new to add."* [1097]

October 13th, in a letter to the UN, Argentina answers Britain's response of September 22.

> *"The Government of the Argentine Republic fully endorses the ideas put forward by the President of Argentina, Mr. Carlos Saúl Menem during the general debate at the fifty-fourth session of the General Assembly and recalls that the Assembly in its resolutions 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, recognizes the existence of a dispute between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Malvinas.*
>
> *In those resolutions and in subsequent resolutions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the parties are invites to renew negotiations with a view to finding, as soon as possible, a peaceful solution to the dispute over sovereignty relating to the Malvinas, duly bearing in mind the interests of the population of the Malvinas.*
>
> *In that context, the Government of Argentina rejects the terms of the letter of the United Kingdom regarding the claim that the "wishes" of the inhabitants of the Malvinas should be respected. The Argentine Republic has repeatedly proven its commitment to protect the "interests" of the islanders. The Argentine Constitution sets out as a national objective the recovery of the Malvinas, South Georgia Island and South Sandwich Islands and the corresponding maritime and island areas, while guaranteeing strict respect for the lifestyle of their inhabitants.*
>
> *The Argentine Government trusts that, in response to the numerous invitations by the international community, and within the auspicious framework of bilateral relations, negotiations will be renewed with a view to reaching without further delay a peaceful and definitive solution to the dispute on sovereignty, in accordance with the wishes of the General Assembly and the Special Committee on Decolonization."* [1098]

October 16th, the *LanChile* flight bound for the Falklands, stops over at Rio Gallegos for the first time.

"Then the real fun began. The pilot ordered us to exit the plane. There were political points to be scored in this manoeuvre. The Argentine authorities would stamp our passports as having entered the country from Chile, but not stamp them again as exiting to the Falklands, as they deemed that to be Argentina already. … The day was saved by the fact that Argentina had thoughtfully provided their Consul in Chile (Julian Tettamanti) as a passenger on the flight. He probably outranked the top man on the ground at Rio Gallegos and … After a colourful conversation in Spanish on the steps of the aircraft, we were instructed to remain in our seats." [1099]

In the Falkland Islands, mid-afternoon, the flight arrives at the Mount Pleasant airbase.

> *"The flight arrived safely at Mount Pleasant military airport shortly before 4pm local time (2300 BST). … The arrival of the Argentines on this flight is not expected to cause any unrest in the Falklands."* [1100]

1097 *Penguin News* October 8, 1999
1098 *UN Doc A/54/472*
1099 Gurr 2011
1100 *BBC News* October 16, 1999

"An air and sea bridge from 1972 to 1982 that united continental Argentina and the Falklands, permitted the arrival in the archipelago of timber, fuel, mail, fresh produce and passengers. Yesterday, the historic flight that, for the first time in 17 years included Rio Gallegos as a stopover between Chile and the Islands, bringing a small group of businessmen and tourists, two officials of the Foreign Ministry and journalists (and)... 20 relatives of Argentines who died in the 1982 war. ... Yesterday's flight was the eleventh of a humanitarian nature that the Commission of Relatives of the Dead of the Malvinas have organised." [1101]

October 17th, in Stanley, a mass is conducted in Spanish outside the Catholic Church of St Mary.

October 22nd, Foreign Minister Guido di Tella tells the BBC's Calling the Falklands that he has a ticket to fly to the Falklands for January 15th, 2000. [1102]

October 24th, in Argentina, following an election, Fernando De la Rúa is announced as President elect.

"Giving a clear example of discontinuity in Malvinas policy during the presidential campaign, the candidates of the Alliance had stated that, if they came to power, they would ignore and revise the understandings (and) provisional agreements signed by Argentina with the United Kingdom during the Menem administration regarding resources in the southern archipelago." [1103]

In the UK, following changes to the arrangements in Britain's House of Lords, Viscount David Montgomery of the South Atlantic Council, loses his inherited seat.

November 9th, at Port William in the Falklands, an Argentine longliner fishing vessel, *Magallanes 1*, on entering for repairs, is obliged to fly a courtesy Falklands flag.

> *"The Argentine Government requires the British Government to adopt the necessary measures to avoid the repetition of similar events, which so contradict relations between both countries such as content and spirit of the provisional understandings reached over practical aspects in the South Atlantic."* [1104]

"It was attended to by local divers Dave Eynon and Philip Miller, who insisted that the vessel fly a Falklands flag as a matter of courtesy before they would lend their services. Although it is customary for a vessel to fly the national flag of the country they are visiting, due to Argentina's continuing sovereignty claim to the Falklands, they perceive the Islands as a home port. ... According to the communique, the episode that irritated the Argentine government was that "the captain of the vessel was forced to fly an emblem that was alleged to be the flag of the pretended government of the Islands". ... Acting Governor Andrew Gurr said, "the government's position is that we believe it is common courtesy for foreign vessels to fly the courtesy flag ..."." [1105]

November 20th, in Havana, following the end of the IX Latin American Summit, Cuba's Fidel Castro calls for the 'return' of the Falklands to Argentina.

November 25th, in Buenos Aires, the South Atlantic Fisheries Commission holds its 16th meeting.

December 6th, at the UN, the General Assembly defers the question of the Falklands for another year.

1101 Journalist Natasha Niebieskikwiat in *Clarin* October 17, 1999. Previously, next-of-kin had only remained in the Islands for two days. By using the *LanChile* flight their visits were, by necessity, extended to a week.

1102 See December 10, 1999, below.

1103 Romero 2020

1104 Argentine Ministry of Foreign Affairs press release

1105 *Penguin News* November 19, 1999

December 7th, in London, Foreign Office Minister John Battle addresses the House of Commons.

> *"A number of the measures set out in the British-Argentine Joint Statement of 14 July have already been implemented. The Falkland Islands Government have admitted Argentine passport-holders to the Falklands since July. All deadlines have been met to restore air links between the Falklands and South America and to introduce measures to combat the common menace of poaching of fish stocks. We continue to consolidate progress on the remaining issues.*
>
> *We are working with Argentina on a Memorandum of Understanding on the terms of a study to determine the cost and feasibility of removing the remaining land mines from the Falklands. Both sides continue to work towards a multilateral arrangement to regulate fishing in the high seas of the South-West Atlantic.*
>
> *An Argentine architect has recently visited the Falklands to discuss proposals for construction of a memorial at the Argentine cemetery there. The Argentine Government are committed to review their use of Falklands place names.*
>
> *None of these developments affect our commitment to defend the Islanders' right to determine their own future. The sovereignty of the Falkland Islands is not for negotiation."*

In the Falkland Islands, an Argentine film crew arrive, without announcement, to record encounters with Islanders. Directed by Jose Luis Margues, the subsequent movie is called 'Fuckland'.

"Fuckland's plot is simple: since Argentina can't get the islands back by force or persuasion – as tried by ex-President Menem's foreign minister Guido di Tella – Stratas has gone to inseminate the local females with Argentine genes. In a rare attempt at humour, the Economist once suggested sending Argentine women to the islands to out-breed the locals; Marques sees his film as more Argentine, a study of penetrative conquest. "The film is about the Argentine desire to make conquests with no sense of morality," he says. Throughout their continent, Argentines are viewed as the most arrogant of Latin Americans." [1106]

"Fuckland was covertly filmed in the Falkland Islands in 1999 without the permission or knowledge of the FIG or the Islanders who unwittingly star in the film, and its production alone serves as a particularly unsettling example of unwelcome and unethical intrusion. … What makes these incursions especially troubling for Islanders is the fact that they have been instigated, and in this case filmed, by Argentine citizens, making them less 'spectacular' than the military invasion of 1982 but, at the same time, more difficult to detect and potentially highly intrusive. They act as potent reminders of the vulnerability of the islands to exploitation and/or violation from outside parties for (geo)political or other advantage and help explain the ostensible reticence of Islanders to engage with Argentina and its citizens." [1107]

December 10th, in Buenos Aires, Argentina's new President, Fernando de la Rua, is sworn into office. HRH Prince Andrew and Britain's Foreign Secretary John Battle witness the ceremony. Adalberto Rodroguez Giavarini replaces Guido di Tella as Argentina's Foreign Minister.

Di Tella postpones his previously announced trip to the Falkland Islands.

1106 *Falklands Girls Are Easy* Chris Moss *Guardian* newspaper September 18, 2000. Starring Argentine actor Fabian Stratas and British actress Camilla Heaney, the movie was released in August, 2000. Not well received in the Islands, or by critics, and the British actress would later claim to have been duped.

1107 *Everyday invasions: Fucjland, geopolitics and the (re)production of insecurity in the Falkland Islands* M.C. Benwell & A. Pinkerton 2020

In London, on the same day, the South-West Atlantic Hydrocarbons Commission holds its 6th meeting.

December 21st, Argentina's new Foreign Minister, Adalberto Rodriguez Giavarini, describes the agreements signed by the Menem administration as being; *"... of a provisional nature."*

"... they would consider the violation of a treaty no greater offence than a lie told by schoolboy. With the Bey of Tripoli or the Emperor of Morocco we might for a time maintain unviolated the provisions of a Treaty but with these people if a temporary advantage could be gained they would violate a treaty on the day of its ratification." [1108]

"The administration of Dr. Fernando de la Rúa made only a symbolic modification when inaugurating the "strategy of indifference" to the Falklands. ... A policy began only of claims before international organizations, freezing of bilateral relations – with the islanders and with the United Kingdom." [1109]

December 24th, Britain's Prime Minister, Tony Blair, sends a Christmas Message to the Falkland islands.

> *"This has been an eventful year for the Falkland Islands. Earlier this year, your Legislative Council asked us to begin a new dialogue with Argentina to discuss some issues of importance to you. Councillors have played a significant part in this process and approved the joint statement that was signed on 14 July here in London by Robin Cook and Guido Di Tella.*
>
> *I want to pay tribute to their vision and determination. I believe they are pursuing a policy that is in the best interest of the Falkland Islands. Air links with South America have been re-established. Cooperation has been strengthened with Argentina to conserve fish stocks in the South West Atlantic.*
>
> *These are important achievements. They show that we can manage our differences with Argentina and still make progress on practical issues. As part of that July agreement, Councillors also lifted a ban which had been in place for almost two decades on Argentine passport holders visiting the Islands. I know that this was not an easy decision, but I am convinced that it was the right thing to do.*
>
> *The Argentine people now have the opportunity to see the Islands for what they are, to meet you, see how you live and to understand the essential Britishness of the Falkland Islands."*

December 28th, in England, the *Daily Telegraph* newspaper reports.

> *"In the past three years, Argentina has signed a set of agreements that come close to recognising de facto independence for the Falklands. It recognised the islanders' fishing rights within a 150-mile radius, reached agreements on oil and gas exploitation that once again consider the islands a discrete entity, and in August, the passports of Argentine tourists visiting the islands were stamped by the islands' immigration authorities. In other words, Argentina has accepted, if not in words, then in deeds, that the Falkland Islands are British."* [1110]

1108 US Envoy Baylies in 1832, describing negotiations with Buenos Aires. *cf.* 1832.
1109 Pereyra & Argento 2016
1110 Quoted in Romero 2020, citing Ruiz Cerutti 2000. I am unable to identify this article.

2000 – January 4th, Argentina writes to the United Nations.

> *"On 3 January 1833, British forces occupied the Malvinas Islands, expelling their inhabitants and the Argentine authorities established there. Since today marks the 167th anniversary of that illegitimate occupation, the Argentine people and Government reaffirm the Argentine Republic's imprescriptible rights of sovereignty over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas. The Government reiterates on this occasion the unfailing determination of the Argentine people, enshrined in the National Constitution, to recover the full exercise of sovereignty over the territories and maritime areas referred to by means of a peaceful settlement of the disputes in accordance with international law, respecting the way of life and interests of the inhabitants of the Islands. The Argentine Government declares its firm intention to continue making headway in the dialogue with the United Kingdom in order to consolidate a relationship of mutual trust and expand bilateral cooperation. It is the belief of the Argentine Government that the resumption of the negotiations on the question of sovereignty, in accordance with the numerous and ongoing appeals by the international community, will help to create a favourable framework for achieving a just and definitive settlement of the dispute."* [1111]

"The communiqué in question underscores the continued existence of a dispute over sovereignty between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland concerning the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas. The search for a peaceful settlement of this dispute is an ongoing objective of Argentina, which is enshrined in its National Constitution. In light of this, the Argentine Government once again confirms its rights of sovereignty over the southern archipelagos and waters and declares its broad intention to conduct negotiations in order to search for a definitive resolution of this question." [1112]

January 8th, at Ushuaia, in Tierra del Fuego, the owners of a Falklands registered yacht, *Golden Fleece*, having docked to pick up a film crew, are told not to return to any Argentine port as the Falklands registry is no longer recognised. [1113]

"*The British Foreign Office released the following statement. "... The Argentine position is at variance with the purpose of the 14 July (1999) joint statement which both governments support, which is to facilitate communications between the Falkland Islands and South America, and we look to the Argentine authorities to resolve this situation in the spirit of the July agreement." ... Argentine Foreign Minister Rodriguez Giavarini was quoted as saying that in no way does the incident go against the spirit of the agreement and that it was merely following constitutional principles. He says bilateral relations were not affected and had Argentina accepted the vessel's registration it would have represented, "... an admission of rights which we do not recognise."..."* [1114]

"The British Government has accused Argentina of not respecting the bilateral accord signed six months ago in London, that promotes communication between the Malvinas Islands and the continent. The accusation was the reply from Great Britain to the Alliance (Government) decision to prohibit boats registered in Port Stanley

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1111 *UN Doc A/54/701: Press communiqué issued in Buenos Aires on 3 January 2000 by the Government of the Argentine Republic on the occasion of the anniversary of the illegitimate British occupation of the Malvinas Islands*

1112 *UN Doc A/54/701: Letter dated 4 January 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

1113 The Falkland Islands have operated a ship's Registry since 1861, as a member of the Red Ensign Group.

1114 *Penguin News* January 14, 2000

from docking in the ports of continental Argentina. ... "We are not aware that there has been an official communication from the Foreign Office", was the only reply to LaNacion from the Foreign Minister..." [1115]

January 9th, in a minefield south of Stanley, a wildfire sets off four anti-tank and 16 anti-personnel mines.

January 12th, Britain's *Guardian* newspaper reports; *"The former Chilean dictator Augusto Pinoceht is to be sent home next week after Jack Straw accepted "unequivocal and unanimous" medical evidence that he is unfit to stand trial in Spain on charges of torture. In a move which was condemned by human rights groups, the home secretary said he was "minded" to block General Pinochet's extradition after a team of independent doctors reported a deterioration in his medical condition. ... home office sources indicated last night that Gen Pinochet, 84, who has been fighting extradition to Spain for more than a year, will be on his way home towards the end of next week."*

January 19th, Argentina's ex-Foreign Minister Guido di Tella, delays a scheduled visit to the Falklands.[1116]

January 23rd, following the UK's protest, Islands' Councillors are informed that Falklands flagged vessels are to be allowed to dock at Argentine ports; but will be served with a notice disputing sovereignty over the Falklands, South Georgia and the South Sandwich Islands. The British Embassy in Buenos Aires releases a statement.

"HMG take note of the manner in which Argentine authorities intend to proceed when British-flagged vessels which show their place of registration in Stanley arrive at Argentine ports. This is without prejudice to the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, in accordance with which HMG has the right to maintain a register of British ships in Stanley." [1117]

Argentina's ex-Foreign Minister, Guido di Tella, sends gifts of books, and poems, to the Islanders.

January 27th, in Stockholm, Argentina's Foreign Minister, Adalberto Giavarini, meets with the British Foreign Secretary, Robin Cook; *"We are in agreement over many things but have a big disagreement, the sovereignty of the Malvinas. Yes, the subject of the Falklands continues here."* [1118]

January 29th, at Davos, Prime Minister Tony Blair and President Fernando De La Rua meet. Blair tells a Argentine *La Nacion* newspaper reporter that the Falklands were mentioned, but were not central to the meeting. De La Rua informs the same journalist that he has *"spelled out in detail the degree of importance he had given to the question of the Malvinas."* [1119]

February 1st, HRH Princess Alexandra visits the Falklands.

February 9th, in Argentina, *La Nacion* reports:

> *"Foreign Minister Adalberto Rodriguez Giavarini in his first tour of the United Nations, has been sending out signals of continuity: he asked the Secretary General, Kofi Annan, to continue to seek a dialogue with the United Kingdom over the Malvinas conflict and said that Argentina would honour all the agreements that it has made, including the South Atlantic Petroleum Agreement. ... Giavarini recalled that Annan has a* ***mandate from the General Assembly*** *of the United Nations to promote dialogue between Argentina and Great Britain over the sovereignty dispute. "Already one party is disposed (to dialogue), we want the other (party) to move towards dialogue too", said the Foreign*

1115 *La Nacion* January 15, 2000
1116 The reason given for the delay was that he was too busy.
1117 *Penguin News* January 28, 2000
1118 Giavarini quoted in *Clarin* January 27, 2000
1119 *La Nacion* January 29, 2000

Minister, thus indicating that the Government was looking for a solution via the United Nations and through Annan, but without taking the matter to the General Assembly, preferring the Decolonisation Committee, as Di Telia did."[1120]

February 10th, Argentine newspaper *Clarin* reports that the Falkland Islands Government is preparing for a new oil exploration licensing round.

"According to the Clarin article the Alliance government (now in power in Argentina) never accepted the agreement between Britain and Argentina, signed in September 1995, on joint exploration to the West of the Falklands; an agreement they say which allowed Falkland Islanders to license acreage "...controlled only by British administration", to the North of the Falklands. However the article admits a diplomatic source indicated the Argentine Foreign Minister, although worried "... will have to pronounce himself in favour of honouring the agreements made with the United Kingdom."." [1121]

February 15th, at Port Stanley, more than 400 Argentine visitors arrive on the Italian ship *Costa Allegra*. Those who decline to present a passport are denied entry, while the majority are taken to visit the Argentine Military Cemetery at Fish Creek. Among a number of minor incidents, nationalist messages are written into the visitors book at Stanley Museum. [1122]

"An Argentine tourist tried to put an Argentine flag in the cemetery at Darwin (sic) in the Malvinas Islands, and it all ended in friction with the Islanders, but didn't turn into anything more than that. The Foreign Minister, Adalberto Giavarini described the episode that took place on Tuesday as "a minor matter that didn't interfere" with relations with Great Britain." [1123]

"The Kelpers didn't allow more than 30 tourists to set foot on Falklands soil who refused to present their passports to disembark at Puerto Argentino last weekend. This was the first (such) contingent to arrive from Argentine continental territory since July, when the Governments of London and Buenos Aires signed an agreement that re-established communications and lifted the ban on Argentine citizens entering the islands, two measures that the Kelpers had imposed since the 1982 war ... The spokesman for the Falklands Government, Russ Jarvis, in statements to the news agency Mercopress announced that it will remove, "as soon as possible" a bronze plaque that the tourist group left in the cemetery. The inscription that caused the problem says: "The Government of the Province of La Pampa in homage to the heroes that rest in our Malvinas". The authorities of the Islands have categorically refused to allow the blue and white colours to fly over the Malvinas". Because of this, in the monument to the Argentine soldiers who died in 1982, whose construction has been agreed with the British Government, it has been decided not to have either the national flag or its colours. Anyhow, in the first massive contact face to face, the Islanders have counter-attacked. In the streets of Puerto Argentino (Port Stanley), the visitors this week could read messages written on huge notices hung in various windows. "To the Argentine People: You will be welcome in our country when you withdraw the sovereignty claim and recognise our rights to self-determination", wrote the "hardline" Kelpers in letters prominent enough to be made out by the tourists as they walked by!" [1124]

1120 My emphasis. The last call for the United Nations Secretary-General to use his 'good offices' had been in 1988 and his last report on the matter had been presented in 1989. With no UN resolution since 1988, the Secretary-General has had no specific mandate to seek negotiations over the Falkland Islands. See 1989, above.

1121 *Penguin News* February 11, 2000

1122 *Penguin News* February 18, 2000

1123 *Clarin* February 19, 2000

1124 *Clarin* February 21, 2000

February 18th, in the Falklands, *Penguin News* reports a meeting on the 16th, at the United Nations in New York between Argentine delegate Susana Ruiz Cerutti, and the head of the America's Desk at the Foreign Office, Peter Westmacott. Speaking of the planned oil licensing round, Cerutti tells Westmacott that Argentine is not protesting, but considers the licensing round as incompatible with British/Argentine cooperation.

February 23rd, private flights between Argentina and the Falklands are permitted under an *Exchange of Letters*. Such journey's however still require authorisation by both Argentine and Falkland Islands' governments.

March 2nd, in London, ex-PM Margaret Thatcher presents a gift to Augusto Pinochet, ex-Chilean President.

"Thatcher presented the former Chilean dictator with a silver platter to celebrate his "victory" over the Spanish judge's efforts. The platter bore an inscription with the former prime minister's signature, reproducing a 1588 design celebrating Sir Francis Drake's defeat of the Spanish fleet. The gift was accompanied by a note that read: "His return to Chile has ensured that Spain's efforts to impose judicial colonialism have been totally rejected." A Thatcher advisor at the time told the newspaper that the "Iron Lady" wanted to "send a clear message that she and Pinochet together brought Spain to its knees." [1125]

That same day, Pinochet flies for Chile; some 16 months after arrest in the UK under a Spanish warrant.[1126]

"Augusto Pinochet, the former Chilean dictator, was allowed to escape extradition to Spain on 2 March last year because of plans worked out over many months by Tony Blair and Foreign Secretary Robin Cook in collaboration with Eduardo Frei, then President of Chile, according to leading Chilean sources. José María Aznar, the conservative Prime Minister of Spain and his Foreign Minister Abel Matutes, were involved in the planning. "The freeing of Pinochet was a political decision taken by the British Government", Hernán Montealegre, Chile's leading human rights lawyer, told The Observer yesterday. If the medical report which Home Secretary Jack Straw used to justify the former dictator's release had been tested in the courts, it would not have stood up, he claimed. ... The plan was conceived in 1999 after it became clear that the Pinochet affair was dragging on far longer than governments expected and came to fruition when British doctors examined the General at Northwick Park Hospital in Harrow, north London, on 5 January last year. Their report allowed Straw to exercise his discretion to release Pinochet on humanitarian grounds even though the former dictator had never said he was too ill to stand trial." [1127]

March 6th – 8th, at Port Stanley, Britain's Defence Secretary, Geoffrey Hoon, inspects the MPA base. [1128]

March 9th, in Buenos Aires, arriving via Montevideo,[1129] Defence Secretary Hoon, has a meeting with his opposite number, Ricardo Murphy, and Argentine President Fernando De La Rua.

"In a speech to the Defence Minister, Mr Hoon said, ".. there is no point in pretending that we do not have a difference. As you know, I have just come from the Falklands. You will not be surprised to hear that I made clear there our well-known position on sovereignty and my government's responsibility for the security of the Islands. But we welcome the new Argentine government's reaffirmation of its support for past agreements under which neither side will use force and both sides„ undertake to address their differences exclusively through peaceful means"." [1130]

1125 *Malvinas: el regalo de Thatcher a Pinochet por la ayuda chilena en la guerra que esconde un siniestro significado* Yasmin Ali in *Canal 26* Marzo 28, 2015

1126 Once back in Chile, a number of attempts were made to try the former dictator for his crimes. Thwarted by legal arguments, extended appeals and Pinochet's death. See October, 1998, above.

1127 *The Guardian* January 7, 2001

1128 *UN DOC A/AC.109/2000/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

1129 Argentina refused to allow a British Minister to enter its territory direct from the Falkland Islands.

1130 *Penguin News* March 10, 2000

"The task of ridding the Falkland Islands of more than 16-thousand mines still left behind in minefields since the 1982 Argentine invasion is now the subject of a feasibility study being pressed ahead by the British Government ...The issue was discussed with Argentina by the Defence Secretary, Mr Geoff Hoon, in his recent visit to Buenos Aires. It is not just a military/technical issue. It is political and involves sovereignty because the international Ottawa Agreement requires the Sovereign' nation to get rid of the mines..." [1131]

March 14th, in Argentina, the Supreme Court, adjudicating a case seeking to indict Margaret Thatcher for war crimes over the sinking of the *ARA Belgrano*, rules that the act, if illegal, cannot be prosecuted in Argentina. [1132]

March 23rd, in New York, in a note addressed to the Secretary-General of the United Nations, the UK responds to Argentina's letter of January 4rd.

> *"The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and South Georgia and the South Sandwich Islands and rejects as unfounded the claim by the Government of the Argentine Republic to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom."* [1133]

"Today the only field of battle for the two countries is diplomacy, commanded now by the Government of Fernando de la Rua. The first presidential order was to remove the Malvinas from the exaggerated politics to which Di Telia had subjected it. It's a case of burying Di Tella's high profile gestures such as sending presents to the Kelpers or suggesting little thought out proposals such as convening the islands into a freely associated stale. ... Di Fella's formula, since the re-establishment of bilateral relations with the United Kingdom in 1990, was to try, without success, to win over the Kelpers so as to permit the reopening of negotiations over sovereignty that had been closed since the war, as if they were another leg of the negotiating table. The Alliance promised to banish the policy of seduction and try to negotiate only with London, although respecting the interests of the Islanders. Nevertheless, in reality the changes appear not be fundamental but rather of form. Alliance diplomats confess: "One can't totally undo the path that Di Telia followed"." [1134]

April 2nd, in Argentina, Veterans Day becomes a public holiday. [1135]

"In Ushuaia ... the Governor of Tierra del Fuego Carlos Manfredolti referred to Falkland Islanders as "co-citizens of the province" during the principle ceremony for the War, Manfredolti gave a short speech revindicating Argentine sovereignty over the Islands, but warned, "We will win the definitive battle in peace, with the solidarity of our convictions, put before international organisations by the diplomatic route." The provincial governor mentioned Falkland Islanders saying, "...we respect your idiosyncrasies, but it is necessary that you understand that our rights over the Islands cannot be renounced". (Carlos) Menem speaking in the town of Escobar during a ceremony opened his speech with the words "We are not going to stop until the Argentine flag flies forever over the land that they usurped from us in 1833. ...this situation of there being intruders there isn't going to last forever." ... The local Mayor of Escobar took a threatening tone saying: "The diplomatic way is the more correct, but one can't spend 150 years claiming something that was usurped as if by criminals. Patience has its limits"." [1136]

1131 *Penguin News* March 31, 2000
1132 See May, 1982 & August, 1994
1133 *UN Doc A/54/811. Letter dated 23 March 2000 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General.*
1134 *The Alliance is not going to send presents to the kelpers* Ana Gerschenson in *Clarin* April 2, 2000
1135 June 10th, lost its day off.
1136 *Penguin News* April 7, 2000

April 3rd, in Port Stanley, owners of a Taiwanese fishing jigger, detained after a three day chase by the protection vessel *Dorada*, are fined £175,000 for illegal fishing. The Captain is fined a further £2,500 for failing to obey a stop order. Costs of £17,600 are awarded against the owners, while the catch and fishing gear are confiscated.

April 7th, Professor Lawrence Freedman leaves the Falklands after a week-long visit. [1137]

April 8th, from the Falklands, sixteen Community School children take part in an exchange trip to Viña del Mar in Chile. Three boys and thirteen girls remain until the 22nd.

April 11th, the Falklands Legislative Council establish a Select Committee; *"comprising all elected members, to review the Falkland Islands (Malvinas) Constitution "in recognition of the mature partnership that the Islands enjoy with the United Kingdom Government". The Select Committee, which is undertaking wide public consultation, has as its function "to examine and make proposals to the Council in relation to possible changes and amendments to the Falkland Islands Constitution Order 1985, and to submit or request the submission of such proposals as are agreed by the Legislative Council to Her Majesty's Government for its consideration and if thought appropriate by Her Majesty's Government, incorporation in a revised Constitution for the Falkland Islands"."* [1138]

April 16th, Falklands Director of Mineral Resources, Phyl Rendell, visits the American Association of Petroleum geologists Annual Convention in New Orleans where the Falkland Islands have a stand to promote the exploration for hydrocarbons around the archipelago.

"What is an open provocation to the Argentine Government is confirmation that the Islanders want to issue new petroleum licences to those companies interested in exploring the waters around the archipelago. Councillor Mike Summers, in statements to the news agency Mercoprcss. was forceful: "We envisage an open bidding round, it doesn't matter what Argentines say, almost certainly we are going to go ahead, as we don't have to give in to pressure or stop advancing in what is our sovereign right". And he added sarcastically: "some members of the Argentine Government are flexing their muscles, or at least their vocal chords over the petroleum area to the north" of the archipelago ... More moderately, Councillor Birmingham explained that: "what we are going to do isn't a specific bidding round for oil exploration licences in the north, but rather that we are going to be open so that international companies can contact us if they are interested in exploring in our waters". Either way, Birmingham confirmed to this newspaper that "there are already several companies that have expressed their intention to us of operating in the Islands". Yesterday, in a conversation with Clarin. (Peter) Westmacott defied the Kelpers... "It's in the hands of the Government of the Islands to call an oil exploration licensing round in the northern basin, but it is our intention to discuss any change in the existing situation with the Argentine government". Thus, the Foreign Office diplomat calmed the minds of the Alliance diplomats before his meeting with them. The Alliance never supported the agreement that the Menem government signed with the London Government in 1995, which permitted the Kelpcrs to issue licences unilaterally to thirteen oil consortiums." [1139]

April 17th, in Buenos Aires, British Ambassador to Argentina, William Marsden, addresses a Rotary Club dinner; *" Both governments are firmly bound to manage the (Falklands) dispute in a constructive way and advance on the basis of dialogue and cooperation."* [1140]

1137 See June, 2005, below.
1138 *UN Doc A/AC.109/2001/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1139 *Clarin* April 18, 2000
1140 *La Nacion* April 18, 2000

Head of the Foreign Office Americas Desk, Peter Westmacott, arrives in Buenos Aires for a meeting with Members of the Argentine Congress.

"The Argentine government has warned the United Kingdom that it will not permit the Kelpers to issue licenses for oil exploration and exploitation in the waters that surround the archipelago. But the number three at the Foreign Office, who is visiting Argentina, has let it be known that "it is agreed" to discuss the subject in the next meeting that will take place in London, in June. The Islanders have already announced that they are negotiating with "various interested companies" to operate in the South Atlantic and they state that they want to issue exploration licenses to all the oil companies which they reach agreement with. In Buenos Aires, the Secretary to the British Foreign Office, Peter Westmacott... stated, "the Islanders have the right to explore their waters", but at the same time he guaranteed that "any type of activity will first be discussed with Argentina". The representative for the South Atlantic for the Foreign Ministry, Ambassador Susana Ruiz Cerrutli, was more forceful. After her meeting with Westmacott she stated that "unilateral actions are not possible" and she recalled that the Islanders are not a party to the negotiations" over the sovereign of the Malvinas. ... Westmacott. on leaving the brief meeting with Foreign Minister Adalberto Rodriguez Giavarini, again referred to the Islanders. He said "We have agreed (with Argentina) that this is a subject that we are going to discuss in the framework of the joint commission as a first stage". ... The ambassador revealed that Westmacott agreed "to carry out a feasibility study" for the demining of the Malvinas, that will be financed by Argentina. Anyhow, yesterday they did not touch on the Kelpers decision to go ahead with the construction of a new military barracks in the islands and to train a body of volunteer soldiers to defend the territory against an eventual armed aggression." [1141]

April 18th, Argentina's Vice-President, Carlos Alvarez, visits London.

May 12th – 14th, in London, the 7th Argentine/British Conference is held at Wilton Park.

Organised by the Argentine Council for International Relations (CARI), the South Atlantic Council (SAC) and the Anglo-Argentine Society, the meeting is attended by 50 delegates from Argentina, one Falklands Councillor and the Falklands London representative, Sukey Cameron.

"To lobby groups, conferences can be weapons - to force the subject they want discussed onto the political agenda. One such is the ABC. To its supporters and organisers, many of them from the South Atlantic Council (SAC), it's the Argentine British Conference. To its critics, it is the Argentine Biased Conference - as its British' delegations have been so unrepresentative of British majority opinion about the Falklands. The last ABC was in 1996, and in 1997 reports suggested that there would not be any more. In fact, it was just dormant." [1142]

"As was to be expected, opinions over the sovereignty of the Malvinas were monologues from the British side; they insisted in defending self-determination for the Islanders. A proposal to discuss this subject informally in monthly meetings was courteously discarded "because it would perpetuate a dialogue of the deaf". The Argentines based their argument on the (principle of) territoriality and pointed out how "absurd" it was to use the principle of self-determination to extend (British) sovereignty over places with no population such as the Georgias and Sandwich Islands. Deputies Stubrin (Radical). Fernando Maurctte (Pcronist). Federico Ramon Puerta (Pcronist). Jose Luis Fernandez Valoni (Action for the Republic) and Senator Luis Molinari Romero, spent a lot of time over this." [1143]

1141 *Clarin* April 19, 2000. The Falklands government were seeking to refinance the Falkland Islands Defence Force.
1142 *The Conference Game* Peter Pepper in *Penguin News* May 5, 2000.
1143 *La Nacion* May 15, 2000. Self-determination is a right appertaining to those territories listed as Non-Self Governing at the United Nations. Neither South Georgia nor the South Sandwich Islands is so listed.

"In a no-nonsense speech to the Argentine/British Conference at Wilton Park last weekend Councillor Mike Summers invited the people of Argentina to "... wake up to reality" adding, "the time for dreaming is over". ... Councillor Summers began by pointing out, "... the reality is that the United Kingdom is the sovereign power in the Falkland Islands and SGSSI... To this he added, "The other great reality is that the modern world is increasingly intolerant of those who pursue territorial disputes, whilst ignoring the wishes of the people if those territories." ..." [1144]

May 15th – 17th, at Oxford University, a seminar, *Argentina 2000,* is held at St. Anthony's College. [1145]

"The seminar is part of the program of Argentine studies set up at the University of Oxford, when the Menem Government was pushing for President Menem to be invited to Great Britain and was promised $186,000 per year for 10 years, although this still has not been delivered. They also signed a similar agreement with the London School of Economics (LSE) for £100,000 per year for 10 years, the Institute of Latin American Studies for $40,000 for the year 2000, and £5,000 for the University of Warwick to finance 5 students per year. The great doubt though is whether the new Government of Argentina will continue financing these programs..." [1146]

"The ABC and "Argentina 2000" together will mean a major lobbying and propaganda opportunity for the Argentines." [1147]

May 30th, in Buenos Aires, Foreign Minister Adalberto Giavarini addresses the Argentine Council for Foreign Relations; *"Our Government and our country are prepared to resume bilateral negotiations with London on the sovereignty dispute in the manner indicated in successive resolutions of the United Nations."* [1148]

June 7th, in New York, at the UN, a working paper prepared by the Special Committee on Decolonization's Secretariat is published. [1149]

June 10th, Argentina issues a communique on its "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector." [1150]

> *"Since the beginning of its existence as an independent nation, the Argentine Republic has demonstrated, through actions by the Government, the firm political determination to exercise its effective sovereignty in the southern territories and maritime areas inherited from Spain."* [1151]

June 15th & 16th, in London, the South Atlantic Fisheries Commission meets under the sovereignty umbrella arrangement agreed on October 19th, 1989.

> *"1. Nothing in the conduct or content of the present meeting or of any subsequent meeting shall be interpreted as (a) a change in the position of the United Kingdom with regard to sovereignty or territorial or maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas; (b) a change in the position of the Argentine Republic with regard to sovereignty or territorial or maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas; (c) recognition of or*

1144 *Penguin News* May 19, 2000
1145 Organised by Argentine, lecturer, and SAC member, Celia Szusterman.
1146 *Clarin* April 22, 2000. There is no evidence that the Argentine government met any of the payments.
1147 Peter Pepper in *Penguin News* May 5, 2000
1148 The last UN resolution, and the 10th on the subject of the Falklands after 1965, was in 1988.
1149 *UN DOC A/AC.109/2000/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat* See - https://documents.un.org/doc/undoc/gen/n00/430/62/pdf/n0043062.pdf
1150 See November, 2000, below.
1151 *UN Doc A/AC.109/2001/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.* See - https://documents.un.org/doc/undoc/gen/n00/430/62/pdf/n0043062.pdf

support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

2. No act or activity that the Republic of Argentina, the United Kingdom or any third parties carried out as a consequence of and in the execution of that which is agreed upon in the present meeting or in any subsequent meeting, can constitute the basis for confirming, supporting or denying the rights of the Argentine Republic or the United Kingdom relating to the sovereignty or territorial and maritime jurisdiction over the Falklands and South Georgia and South Sandwich Islands and the surrounding maritime areas." [1152]

"The communique emphasised that co-operation is working well and reaffirmed the importance the Commission attach to ensuring the stability of fish stocks in recognition of their "economic significance"..." [1153]

July 4th, at the Hague, unable to take action within Argentina, a group of lawyers representing the next-of-kin of those who died aboard the ARA *Belgrano* in 1982 file papers for a case at the European Court of Human Rights (ECHR); *"... on behalf of relatives of Argentine sailors killed when the General Belgrano was sunk by a British submarine."* [1154]

"Jorge Appiani and Jorge Antonio Oliveira filed a claim for damages for breach of the right to life, guaranteed by article 2 of the European convention on human rights. The submission stated that the relatives, a mother and a father of two of the 323 sailors who died claimed compensation from "the British government, in the person of former prime minister Margaret Thatcher and her war cabinet, for violating the right to life by ordering the Argentine battle cruiser Belgrano sunk on May 2, 1982". The lawyers' arrival from Buenos Aires to file the court papers, which are usually sent by post, suggested that they hoped to secure publicity for the move. They acknowledged to reporters that they wanted to put pressure on the Argentine government to take Britain to the international court of justice in the Hague. Lawyers in Britain rate the Strasbourg claim as having limited prospects of getting a hearing. The rules say that claimants must first exhaust all remedies in the domestic courts, and then bring a claim within six months." [1155]

"Not that anyone would dispute the relatives' right to, "...want revenge for their loved ones' deaths." as one British veteran put it, but it is astounding that they believe (or have been persuaded to believe) they have a convincing case bearing in mind that even their own governments have not strongly supported the claim that the sinking of the Belgrano. 'violated the international rules of war agreed in the Hague in 1907'." [1156]

July 7th, reported in *Penguin News*; *"Sixteen Argentine vessels were yesterday reported to be steaming towards the Falklands Conservation Zone, with the intention of fishing illegally as a protest at poor catches of hake and "the restricted fishing area" in their own waters. It is believed that things will calm down however, when a resolution authorising hake catches under certain conditions is published in the official gazette of the Argentine Fisheries Department."*

1152 *Article 2 (1) & (2)* of the *Joint Statement of 19 October 1989 Re-establishing Consular Relations Between Britain and Argentina, and Agreeing a Framework on Sovereignty Which Would Allow Further Talks.* In simple terms, the sovereignty umbrella allowed talks on practical matters to take place without the question of sovereignty being raised. Nothing discussed would be assumed to affect either sides' claims.

1153 *Penguin News* June 23, 2000

1154 Sunk by a British submarine outside the Exclusion Zone on May 2, 1982, Argentina had accepted that the action was a legitimate act of war following an investigation in 1994. Argentine courts had subsequently determined that the case was not actionable within Argentina. *cf.* May, 1982 & August, 1994.

1155 *The Guardian* July 5, 2000

1156 Editorial in *Penguin News* July 7, 2000

July 11th, in New York, the UN's Special Committee on Decolonization considers the Falkland Islands NSGT.[1157] Representing the Falkland Islands' people are Sharon Halford and Richard Cockwell. Argentine petitioners are Guillermo Clifton, Alejandro Betts and Alejandro Vernet. Before the hearing, Argentine Foreign Minister Adalberto Giavarini refuses to shake hands with the Falklands representatives.

"The administration of Dr. Fernando de la Rúa made only a symbolic change by inaugurating the "strategy of indifference" to the Falkland Islands. It became clear in New York, during the annual meeting of the United Nations Decolonization Committee attended by representatives of the islands. The then Foreign Minister Adalberto Rodríguez Giavarini left aside the tea that Di Tella used to share in that forum with the kelpers and, directly, did not greet them when entering the UN Committee session." [1158]

"In the interview with this author, the former foreign minister of the Alliance, Rodríguez Giavarini, said that "that simply did not happen, because they were in different places and we never crossed paths" ... the appearance of this non-existent event in the media was taken positively by a large part of the national political class who praised this act." [1159]

Responding to reports, Argentina's ex-Foreign Minister, Guido di Tella, says; *"People will be laughing at us."*[1160]

After a speech from the Argentine Foreign Minister, the committee adopts a draft-resolution by consensus, that; *"Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland..."* [1161]

"In statements after the adoption of the resolution, the representative of Grenada urged the parties to press on for the eventual successful resolution of the dispute. The right of self-determination was reserved for the inhabitants of the Territory, who were the only and final arbiters of their future destiny. The representative of Antigua and Barbuda stated that the current discussion had dealt with sovereignty and not decolonization, which was the real subject matter of the Committee. The job of the Committee was not to determine who should govern a Territory, but to ensure that the options chosen by the inhabitants were followed. ... The representative of Sierra Leone stated that it was important for the resolution to express interest in the self-determination of the population of the Islands and added that there was no substitute for self-determination in matters of decolonization." [1162]

"In stark contrast to the seductive approach taken by former Foreign Minister, Dr Guido Di Telia, Giavarini adopted a hard-line approach, repeatedly expressing his government's desire to, "solve the colonial question of the Malvinas Islands". He challenged Britain's claim to the Islands saying, "The mere passage of time does not create rights, neither in favour of a colonial power that occupies foreign territories nor in favour of its subjects". ... Councillor Cockwell. in his speech praised the British Government for its, "...historical guidance and assistance." ... He urged the Committee to focus on the right of Islanders to self-determination: "The wishes of the Islanders should be paramount. This is one of the United Nations guiding principles. I also contend that the issue of self-determination should have precedence over any sovereignty issue"." [1163]

1157 *UN Document A/55/23.* Also working paper *A/Ac.109/2000/11.*
1158 *Análisis de la toma de decisiones y del procesos de negociación en la cuestión Malvinas desde 1983 hasta la actualidad.* Susana Pereyra & Leandro Argento 2017
1159 Romero 2020
1160 *Clarin* July 15, 2000
1161 *UN Document A/Ac.109/2000/23.* Sponsored by Chile, Bolivia, Cuba and Venezuela.
1162 *UN Doc A/Ac.109/2001/11*
1163 *Penguin News* July 14, 2000

"We (the UK) have a duty to respect and defend the right to self-determination of the people of the Falkland Islands. The elected representatives of the Islanders once again expressed their views clearly when they visited the United Nations for this year's debate in the Committee of 24 on 11 July. They asked the Committee to recognize that they, like any other democratic people, were entitled to exercise the right to self-determination. They reiterated that the people of the Falkland Islands wanted to remain British and did not want to be part of Argentina." [1164]

July 12th, five Argentine fishing vessels enter Falklands waters for a few hours before withdrawing, in a publicity stunt widely reported by the Argentine press. RAF Tornadoes over-fly the vessels when they are some 15 miles inside the zone; *"A flight during the morning of Wednesday 12 July sighted four Argentine fishing boats operating 15.5 nautical miles inside the Outer Conservation Zone of the Falkland Islands."* [1165]

A protest, in very polite terms, is sent to Buenos Aires by Falkland Islands Councillors. Argentina's Foreign Ministry promptly protests a "*violation*" of its airspace. Argentine newspapers report that their Government is particularly "*irritated*" that the protest came from the Islands, not London.

"Giavarini reacted nearly before he had finished reading the communication which carried the British royal coat of arms. He ordered an immediate reply from the person in charge of Malvinas affairs, Susana Ruiz Cerrutti, and generated the first diplomatic confrontation with London since Fernando de la Rua assumed power last December.... it didn't make the Minister at all pleased to have on his desk a note 'from the Government of the Falkland Islands'. ... Ambassador Ruiz Cerrutti stated to Clarin that although Argentine fishing boats were inside waters controlled by the Kelpers "for us it is exclusively Argentine". " [1166]

"A press release from the Fisheries Department said. "Following reports in the Argentine press that several Argentine vessels were heading towards Falkland Islands waters with the intention of fishing as a protest against fishing restrictions m their own Economic Zone, surveillance flights have been increased in the western areas of the FICZ and FOCZ. A flight on the morning of Wednesday, July 12, found four Argentine trawlers fishing up to 15.5 nautical miles inside the Falklands Outer Conservation Zone. However, observations from the patrol vessel Dorado and a FIGAS aircraft today (July 13) indicate that the trawlers, which have increased to five in number, are now fishing just outside the FOCZ limit in their own EEZ." [1167]

In London, Minister John Battle speaks to the Falkland Islands Forum; *" ... a modern partnership with the Falklands needs to be founded on the idea that Falklanders can decide their own future. Self-determination was one of the best and most popular ideas of the twentieth century. With the entry into force in 1976 of the International Human Rights Covenants, self-determination gained the force of international law as a fundamental, collective human rights."* [1168]

July 18th, in answer to a question in the House of Commons regarding the cost of defending the Falkland Islands, a government spokesman answers; *"The out turn cost to the Ministry of Defence for the Falkland Islands Garrison in financial year 1999–2000 was £71.1 million. This figure relates to the costs incurred by the Commander British Forces Falkland Islands only. It does not include the costs of the RAF airbridge to the Falkland Islands, nor the cost of naval deployments to the South Atlantic."* [1169]

1164 *UN Doc A/55/550: Letter dated 8 November 2000 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*
1165 Quoted in *Clarin* July 14, 2000
1166 *Clarin* July 14, 2000
1167 *Penguin News* July 14, 2000
1168 In full in *Penguin News* August 4, 2000. supp.1 See - https://www.nationalarchives.gov.fk/jdownloads/Penguin News/2000 Jul-Sep.pdf
1169 *Hansard, Commons July 18, 2000*

July 19th, in Strasbourg, the European Court of Human Rights refuses to accept the *Belgrano* case.

"Shadow Defence Secretary Iain Duncan Smith said that "common sense" had prevailed, but added that the case should never have reached court." [1170]

"The plaintiffs had accused the United Kingdom of having violated the right to life of their sons, which were protected by article 2 of the European Convention on Human Rights, by reason of the order of the 2nd of May 1982 to sink the Belgrano when it was outside the Exclusion zone imposed by London at the outbreak of the war. But, under the Convention, all cases must be presented to the Court within a period of not more than six months from the, "...final decision," adopted in the case. "On this occasion, in the absence of a final decision, the relevant date was the 2nd of May 1982, the day of the incident itself", explained the judges in a statement." [1171]

"The European court of human rights in Strasbourg rejected their claims as inadmissible because they were filed long past the legal time limit. ... The convention states that applications must be made to Strasbourg within six months after any remedies available in the domestic courts have been exhausted. Since there were no proceedings in the British courts, the six months ran from the date of the incident, 2 May 1982,..." [1172]

"A panel of three judges in Strasbourg yesterday ruled that the case was inadmissible because there had been no attempt to exhaust all legal remedies in Britain before appealing to the court." [1173]

July 27th, a meeting of the Anglo-Argentine *South-West Atlantic Hydrocarbon Commission*, is held. [1174]

> *" The Joint Commission considered cooperation for the promotion of hydrocarbon exploration and exploitation in maritime areas of the South West Atlantic subject to a sovereignty and jurisdiction dispute, and the existence of divergent interpretations in relation to some aspects of the 1995 Joint Declaration. Both delegations agreed to continue reflecting on the subject and on the best way in which future cooperation could be carried out. They also agreed to resume consideration of these matters at a future meeting."* [1175]

"As the initiative to reach a consensus in this area did not prosper, the last meeting of the South West Atlantic Hydrocarbons Commission and its last joint statement on the subject took place in July 2000. ... Because of the different interpretations of the geographical area of cooperation, the scope of the Joint Commission only served for Argentina to complain about the unilateral actions carried out by the United Kingdom and the inhabitants of the Falklands and the lack of commitment to carry out bilateral cooperation. ... On the hydrocarbon issue, the Falklands Legislative Council illegally sold licenses for the exploration and exploitation of oil resources to various multinational companies, strengthening its policy of faits accomplis and degrading the spirit of cooperation that sought the understanding of 1995." [1176]

In **August**, in Argentina, an opinion poll conducted for the Buenos Aires newspaper *La Nacion,* finds that 45% of Argentines consider it necessary to consult Falklanders in future diplomatic talks. 57% believe that Argentina will not gain control of the archipelago in the next 20 years. [1177]

1170 *BBC News* July 19, 2000
1171 *La Nacion* July 20, 2000
1172 *The Guardian* July 20, 2000
1173 *The Telegraph* July 20, 2000
1174 The first had been held in February, 1996, see above.
1175 *UN Yearbook 2007.* No further meetings took place.
1176 Romero 2000
1177 *Penguin News* August 11, 2000

"The Gallup study says that at all levels the pessimistic viewpoint is high, although some increase in optimism is detected at lower educational levels: this however does not exceed the number who believe they will not be recovered." [1178]

In Buenos Aires, 'Fuckland', the movie covertly filmed in the Falkland Islands in December, 1999, is released.

"Rather than make a conventional documentary about the Falkland Islands, obtaining the permission of the relevant authorities and citizens involved, the director elected to go 'undercover' in order to represent the everyday lives of Islanders. As a result, Islanders were filmed, observed, ridiculed and denigrated without any respect for the most basic of ethical principles including informed consent." [1179]

In Rome, one of the Argentine lawyers who had attempted to take the *Belgrano* case to the ECHR, Jorge Olivera, is arrested on a French warrant concerning the kidnapping and murder of a French citizen, in Argentina, in 1976.

"Human rights groups say they intend to target other officers including Jorge Olivera. a former captain, accused over the rape and disappearance of Maric-Anne Erize, a Franco-Argentine fashion model in 1976. Olivera. who later became a criminal lawyer, unsuccessfully sought to win damages against Britain in the European Court of Human Rights ... Olivera narrowly escaped prosecution when he was arrested in Italy on a French warrant but freed from jail on the basis of a forged document, and fled back to Argentina. The human rights campaigners say they will also pursue former naval commander Afredo Astiz. known as the Blond Angel of Death, who was sentenced to life imprisonment in absentia by a Paris Court in 1990 for involvement in the disappearance of two French nuns in 1976. He was the Argentine Commander forced to surrender South Georgia to British forces in 1982. " [1180]

September 7th, in New York, Argentina's President, Fernando de la Rua, addresses the UN's General Assembly at its opening session; repeating his country's claim to the Falklands archipelago.

"The British Government is pleased at the continued strengthening of our bilateral relations with Argentina, including this year through meetings between Prime Minister Blair and President De la Rua and between our Foreign Ministers. The Joint Statement signed between our two countries in July 1999 demonstrates clearly that the United Kingdom and Argentina can manage our differences on sovereignty while making practical arrangements on matters of common interest in the South Atlantic. However, we wish to recall that there is nothing in the agreement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland Islands: we have no doubt about Britain's sovereignty over the Falkland Islands and the other British overseas territories in the South Atlantic." [1181]

September 8th, the UN adopts the *Millennium Declaration*. [1182]

> *"4. We are determined to establish a just and lasting peace all over the world in accordance with the purposes and principles of the Charter. We rededicate ourselves to support all efforts to uphold the sovereign equality of all States, respect for their territorial integrity and political independence, resolution of disputes by peaceful means and in conformity with the principles of justice and*

1178 *Ibid.*

1179 Benwell and Pinkerton 2020

1180 *Penguin News* March 16, 2001. See also *Penguin News* July 28, 2000 page 2 - https://www.nationalarchives.gov.fk/jdownloads/Penguin News/2000 Jul-Sep.pdf

1181 UK's response in *UN Doc A/55/550: Statement of the delegation of the United Kingdom of Great Britain and Northern Ireland in exercise of the right of reply to the remarks made by the President of Argentina in the general debate on 7 September 2000. Annex to letter dated 8 November 2000 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

1182 See - https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-millennium-declaration

international law, ***the right to self-determination of peoples which remain under colonial domination*** *and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character."* [1183]

Argentina immediately writes to the Secretary-General of the United Nations.

"With regard to paragraph 4 of the Millennium Declaration, the Argentine delegation wishes to reiterate, in keeping with General Assembly resolutions 1514 (XV) and 2625 (XXV), its full support for the right to self-determination of peoples which remain under colonial domination and foreign occupation.

At the same time, it wishes to recall that the General Assembly has in numerous resolutions recognized the existence of a sovereignty dispute between the Argentine Republic and the United Kingdom concerning the Malvinas, South Georgia and South Sandwich islands and the surrounding maritime spaces, defining it as a special colonial situation which must be resolved through negotiations between the two Governments, by reconciling respect for the territorial integrity of Argentina with the interests of the population of the islands." [1184]

October 14th, at Port Stanley, Guido di Tella, Argentina's ex-Foreign Minister, arrives for a private visit. Controversially, he is welcomed by Governor Lamont. [1185]

"Guido Di Tella, the former Argentine foreign minister (1991-99), who has died of a stroke aged 70, had a mischievous sense of humour and a deft turn of phrase. ... One of the objectives closest to his heart was to conduct a "charm offensive" to persuade the Falkland Islanders of Argentina's post-1982 friendly intent. At that time this was a tall order, but one which he threw himself into with a vengeance, sending Christmas cards, Pingu the Penguin videos, and even Winnie-the-Poo bears to the islanders. More than one Falkland Islands councillor found themselves being phoned up by the Argentine foreign minister. Di Tella was happy to be able to visit the Falklands as a private citizen in October 2000, after he had left the foreign ministry." [1186]

The Falkland Islands Government adopt a new policy of allowing non-commercial flights to the Islands. [1187]

"(Martin) Rappallini's request in October 2000 to fly to the Falklands led to the formation of a new Falkland Islands Government policy to allow non commercial flights from South America to the Islands. His Excellency the Governor confirmed this week that the policy involves the pilot requesting permission from the Director of Civil Aviation and filing a flight plan." [1188]

November 8th, the UK responds to Argentina's interpretive declaration of September 8th.

1183 My emphasis.

1184 *UN Doc A/55/371: Millennium Declaration - Interpretative declaration of the Argentine Republic.* The UN General Assembly has never defined the Falklands as a *"special colonial situation"*.

1185 Controversial in the Islands as Di Tella was supposed to be 'just' another tourist. Controversial in Argentina as the Government there also protested his meeting with the governor.

1186 *The Guardian* January 3, 2002

1187 See January & February, 2001

1188 *Penguin News* January 12, 2001.

"The British Government fully supports the right to self-determination outlined in paragraph 4 of the Millennium Declaration. The wishes of the people of the Falkland Islands on their relationship with the United Kingdom are clear. Their views have been expressed before the Committee of 24.

The people of the Falkland Islands do not want to be part of Argentina. We have no doubt about Britain's sovereignty over the Falkland Islands and our other Overseas Territories in the South Atlantic.

The British Government is confident that our relations with Argentina will continue to flourish in a spirit of reconciliation, cooperation and mutual interest that will enable us to manage our differences on sovereignty while making practical arrangements on matters of common interest in the South Atlantic."[1189]

November 10th, in Argentina; *"... in compliance with the provisions of the Argentine-British Joint Declaration of 1999, which establishes that the Argentine Government will analyze the issue of toponymy in the Malvinas Islands ... By Joint Resolution of the the Ministers of Foreign Affairs, International Trade and Culture and of Defense on November 10, 2000, created the "Interministerial Commission for the Analysis of Toponymy in the Malvinas Islands", made up of the general director of Malvinas and the South Atlantic, the director of the Military Geographic Institute and the head of the Naval Hydrography Service."* [1190]

November 20th, at the UN, the Fourth Committee begins its annual review of decolonization issues. With the Special Committee on Decolonization's report before it, but without a recommendation that its Falklands resolution be adopted by the General Assembly, the question is deferred for another year. [1191]

November 22nd, in Argentina, law *25.370* designates April 2nd of each year – '*Day of the Veteran and of the Fallen in the War in Malvinas*' - a national holiday, replacing the *Day of Affirmation of Argentina's Rights to the Malvinas Islands and the Antarctic Sector*. [1192]

November 30th, in Buenos Aires, the South Atlantic Fisheries Commission holds its 18th meeting. [1193]

December 8th, in New York, after the conclusion of the First International Decade for the Eradication of Colonialism initiated by resolution *43/47* in January, 1990, UN resolution *55/146* is adopted by the General Assembly.

"The General Assembly, Recalling that 2000 marks the fortieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 43/47 of 22 November 1988, by which the General Assembly declared the period 1990-2000 as the International Decade for the Eradication of Colonialism, and recalling further resolution 46/181 of 19 December 1991, by which it adopted a plan of action for the Decade, ...

Taking into account its resolution 54/90 A of 6 December 1999, in which it noted with concern that the plan of action for the International Decade could not be concluded by 2000, ...

1. Declares the period 2001–2010 the Second International Decade for the Eradication of Colonialism;

1189 *UN Doc A/55/549*

1190 Romero 2020. The 1999 (see above) agreement called for Argentina to review the names that it gave features within the Falklands, including Puerto Argentina (Port Stanley). Unsurprisingly, it all came to nought.

1191 *UN GA Decision 55/411.*

1192 This revoked previous decisions and laws, but was itself abrogated by Art.9 of Decree *1584/2010* on March 11, 2010

1193 *UN Doc A/AC.109/2001/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.*

2. Calls upon Member States to redouble their efforts to implement the plan of action, as contained in the annex to the report of the Secretary-General, updated where necessary, to serve as the plan of action for the Second International Decade;

3. Calls upon the administering Powers to cooperate fully with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to develop a constructive programme of work on a case-by-case basis for the Non-Self Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions of the United Nations on decolonization, including resolutions on specific Territories;…"

December 21st, in Argentina, *La Nacion* interviews the new British Ambassador, Sir Robin Christopher.

"*There is mistrust in the Malvinas Argentines (Falkland Islanders), although there is more openness, the ambassador stated. As soon as he knew he was going to be the new British ambassador in Argentina, Sir Robin Christopher decided to travel to the Malvinas.*

This was in October, with a group of politicians from Britain: "I was surprised that the people had such a strong identity, with young people from 20 to 30 years old who had studied overseas and had returned, and I was also surprised that they were little by little accepting Argentines as their neighbours", he said in an interview with La Nacion.

This does not mean that he glimpses changes in the immediate future, as he is convinced that the world puts human rights before territorial ones. This is the argument that Britain uses to avoid discussion of the sovereignty of the Malvinas, that has been recommended on a number of occasions by the Decolonisation Committee of the United Nations.

Christopher summed up: "There will be no changes without the agreement of the Islanders"." [1194]

December 27th, in the Falklands, searches are conducted following the discovery of an inflatable dingy on a beach east of Concordia Bay, near the Salvador settlement. Also present is a military style Bergen, a water bottle, medical supplies and an outboard motor. Markings suggest these are from Argentina. Nobody, alive or dead, is found.

"The British Embassy has also been in touch with the Argentine Foreign Ministry but this has not resulted in any new information. … The incident is now classified as a security issue for military intelligence and the dingy is currently being held in a secure unit at Mount Pleasant Complex." [1195]

1194 *La Nacion* December 21, 2000
1195 *Penguin News* January 6, 2001

2001 — January 2nd, in a New Year message via the BBC's *Calling the Falklands* programme, Prime Minister Tony Blair "*salutes*" the Islanders courage "*in agreeing to develop links with Argentina where cooperation is in our mutual interest.*" Blair confirms that there is no question of sovereignty being discussed.

"Argentine press reacted angrily to Mr Blair's words. In an article by La Nacion's Ana Gerschenson, Mr Blair is described as, "... the seducer of the Kelpers"." [1196]

January 3rd, from Argentina, a *communique* is forwarded to the United Nations regarding; *"... another anniversary of the illegitimate British occupation of the Malvinas Islands."*

> *"Today, on the 168th anniversary of that illegitimate occupation, the Argentine Government reaffirms its conviction that the resumption of negotiations on the sovereignty question, in accordance with the multiple and permanent appeals of the international community, will contribute to the creation of a proper framework for achieving a fair and lasting solution to the dispute."* [1197]

"The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and South Georgia and the South Sandwich Islands and rejects as unfounded the claim by the Government of the Argentine Republic to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom." [1198]

January 10th, at Stanley airport, Argentine Martin Rappallini lands his *Piper Aerostar* aircraft.

"Mr Rappallini could not gain permission to fly from Argentina so set off from Punta Arenas. Chile. The lack of a positive or negative response to his request required him to make a 600km deviation. He flew over Chilean airspace and the Beagle Channel and then south, before approaching Argentine class 'G' airspace for which no permission is required. Director of Civil Aviation Gerald Cheek who met the aircraft confirmed to Penguin News that he had spoken to Mr Rappallini a number of times prior to his arrival with regard to his trip and flight plan." [1199]

January 23rd, Britain's Minister for Overseas Territories, Baroness Patricia Scotland, visits the Falklands. [1200]

"... the important thing is to make sure the security of the Falklands remains and that we work out a good working relation with ... Argentina so that the safety of the Falklands is maintained. The Falkland Islands are British; they will remain British as long as they wish to be. I have had the real advantage of seeing the Falkland Islands myself, the people here are indistinguishable from people who live on mainland United Kingdom." [1201]

January 27th, Sir Rex Hunt, former Governor, arrives at Stanley on the cruise ship *Saga Rose*. [1202]

1196 *Ibid.*

1197 *UN Doc A/55/729*

1198 *UN Doc A/55//843: Letter dated 19 March 2001 from the Permanent Representative of the United Kingdom ... addressed to the Secretary-General*

1199 *Penguin News* January 12, 2001. For the repercussions, see March 2, below.

1200 Of the various Ministers within the FCO the Minister for the Commonwealth, UN and South Asia is responsible for the majority of the overseas territories. However, the Falklands and Gibraltar fall under the remit of the Minister of State for Europe and the Americas. See *The Privy Council and the constitutional legacies of empire* Paul F. Scott 2020 in *Northern Ireland Law Quarterly* Summer 2020

1201 Baroness Scotland quoted in *UN Doc A/AC.109/2001/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

1202 Governor of the Falkland Islands 1980 – 1985. Taken prisoner in April 1982 by Argentine forces and deported. He returned after the June, 1982 liberation by British forces.

February 21st, Foreign Office Minister, John Battle, visits the Falkland Islands.

February 23rd, Argentina and Britain reach an agreement, through an exchange of notes.

> *"The Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland agreed that flights by private civil aircraft and navigation by private vessels from the Argentine mainland to the Falkland Islands and from the Falklands to the mainland will be covered by a safeguard formula by which the sovereignty rights of our country over the Falkland Islands and the surrounding maritime spaces will not be affected."* [1203]

"An exchange of notes between Britain and Argentina last week agreed that flights by private civil aircraft and navigation by private vessels from Argentina to the Falklands Islands and vice versa, "be covered by the formula of the sovereignty umbrella". ... According to a statement from the Councillors Office at Gilbert House Governor Lamont consulted with Legislative Councillors on February 20 in anticipation of such an exchange taking place. "Legislative Councillors understand that the Exchange of Notes makes no change to existing arrangements as far as the Falkland Islands authorities are concerned. In this context the jurisdiction of the Falkland Islands is maintained and clearance from the Falkland Islands Government is required for flights arriving from Argentina and vessels originating from Argentina". " [1204]

"Under the exchange of notes of February 2001 referring to the understanding on private flights and navigation, private flights are authorized from the Falkland Islands (Malvinas) to mainland Argentina. A number of medical evacuation flights are also authorized from the Falkland Islands (Malvinas) to mainland Argentina, Chile and Uruguay." [1205]

February 26th, in Kuwait, Margaret Thatcher, attending celebrations for the 10th anniversary of the end of Kuwait's occupation during the Gulf War of 1991, addresses world leaders.

"Thatcher, speaking of her role in the 1990-91 Gulf crisis,reminded the audience on Sunday of how "freedom was restored" after Britain sent a task force to the South Atlantic to drive out Argentine troops occupying the Falklands. About 1,000 soldiers, most of them Argentines,were killed before Britain wrested back control of the remote islands, known to Argentina as the Malvinas. Thatcher delivered her remarks from a podium facing rows of guests, with the former Argentine leader (Carlos Menem) sitting directly in her line of sight. He maintained a discreet diplomatic silence and. at the end of the flag-raising ceremony, he calmly walked to his car along with (George) Bush, (John) Major, (Colin) Powell and several former military commanders" [1206]

March 2nd, at Stanley, *Penguin News* reports

> *"49 year old Martin Rappallini who, earlier this year, became the first Argentine pilot to land an aircraft at Port Stanley Airport since 1982, has been hit by 3 charges which have been filed against him. He landed his Piper Aerostar aircraft on an historic flight on January 12th this year despite the fact that he had not received a response from the Argentine Ministry of Foreign Affairs to his request for permission to undertake the flight to the Islands directly from Argentina.*
>
> *The 49 year old oil consultant who spent 3 days in the Falklands accompanied by his two daughters Maria Eliana and Maria Paula, will have to appear before Argentine Air Force authorities to answer*

1203 Quoted in Romero 2020

1204 *Penguin News* March 2, 2001. See October, 2000 above.

1205 *UN Doc A/AC.109/2020/6: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020*

1206 *CNN* February 27, 2001.This news report called the comments a '*diplomatic gaff*' that required former British Prime Minister John Major, to step in and '*clear the air'* with Menem. It seems more likely that Margaret Thatcher, Prime Minister during the 1982 Falklands War, chose her words very carefully.

the charges which are: (1) Taking off from Punta Arenas in Chile for the Falklands without authorisation from the Aeronautical Authority. (2) Entering Argentine airspace without clearance from the Air Traffic Controller and (3) Not communicating with the Argentine Air Traffic Controller during the course of the flight. Mr. Rappallini who flew his aircraft directly from the Islands back to Comodoro Rivadavia has strongly refuted the charges which he insists were forced upon the Air Force by higher authorities in Buenos Aires who are angry at his determination to make the flight."

"Councillor Mike Summers, who holds the portfolio for Immigration said "I feel sorry for him, but it is an internal issue and not for us to get involved with. He had our permission to come here and has done nothing wrong as far as we are concerned"." [1207]

March 16th, at the Hague, the International Court of Justice (ICJ) concludes *Qater v Bahrain*. The majority decision of the court is that *uti possidetis juris* is inapplicable, in this particular case and it is not therefore considered. However, Judge Torres Bernárdez, in a dissenting opinion, does consider the legal theory; rejecting that *uti possidetis juris* is a rule of *jus cogens* (compelling law). [1208]

"*... uti possidetis juris became a norm of international law of general application (that is, beyond the confines of relations between Spanish American Republics) only after the Second World War, to be more precise around the time of the general decolonization of the African Continent."* [1209]

He also comments on any retroactive effect before 1945.

"*Non-retroactivity in the application of its norm is a well-established principle of customary international law and not only of the law of treaties.*

Retroactivity in the application of a norm of international law is admissible only where the norm itself is adopted with such an intention or where the interested parties are in agreement as to the retroactive applicability of the norm in their mutual relations.

In the circumstances leading to the formulation of uti possidetis juris as a norm of general international law, I did not find anything in the State practice or opinio juris to suggest that the acceptance of uti possidetis juris as a norm of general application implied any intent to give the norm retroactive effect, so as to make it applicable also to any act or fact which took place or any situation which ceased to exist before the generalization of uti possidetis juris." [1210]

March 27th, on South Georgia, a military detachment in place since 1982, handover to British Antarctic Survey (BAS) scientists. BAS Director, Chris Rapley, calls it; *"An excellent opportunity for BAS science."* In Buenos Aires, *La Nacion* sees the handover as a; *"step towards Argentine sovereignty."* [1211]

1207 *Penguin News* March 9, 2001. This reaction was in response to news that Rappallini had been found guilty and grounded for four months.

1208 *Uti Possidetis Juris* (or *Uti Possidetis Iuris*) is a theory of international law that establishes the borders of newly independent states as based upon the boundaries of their previous colonial territories. This is Argentina's claimed *inheritance* from Spain; i.e. what had been Spain's became Argentina's, including the Falkland Islands. However, this fails to address such issues as the reality that Uruguay, Paraguay and a piece of what is now Bolivia, were also part of the Spanish Viceroyalty. It also fails to address the fact that Britain and Spain were in dispute over the Falkland Islands from the 1760s.

1209 *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain) Judgment of 16 March 2001. Dissenting opinion of Judge Torres Bernárdez.*

1210 *Ibid.*

1211 Quite how was not made clear.

April 7th, in the Falklands, a population census reveals that there are 2,955 people on the Islands, including 534 people present in connection with the military garrison; but excluding military personnel and their families.

June 8th, interviewed by *Penguin News*, Falklands Governor Donald Lamont rejects a suggestion that the Foreign Office is failing to hold Argentina to account as regards the July, 1999 agreement. [1212]

> *"I think that the Falklands position is the stronger, if we are seen to implement undertakings that have been entered into. I believe we are doing that. That is the better basis for dealing with the other partner."*

"... it wouldn't be realistic to expect a 'Menem' agreement to be high on the list of priorities of a De La Rua government, particularly the small print. I also understand that the Argentine government would probably be ill-advised, in terms of winning votes, to show any blatant goodwill towards us. But still it is galling that we must suffer the irritations that Argentina inflicts via bureaucracy delaying the LanChilc flight, or by harassing small aircraft bound for the Falklands. Not to mention their lack of interest in dropping that passive aggressive act of using 1982 Argentine names for places in the Falklands." [1213]

June 10th, from Argentina, on its "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.", a statement for the press is issued by the government.

> *"On 10 June, the Day of Affirmation of Argentine Rights over the Malvinas, islands and the Antarctic Sector, the Argentine Nation commemorates the creation of the Political and Military Command for the Malvinas Islands and adjacent islands as far as Cape Horn in the Atlantic Ocean. The Command was created in 1829 by a decree issued by Brigadier General Martín Rodríguez, Acting Governor of Buenos Aires Province."* [1214]

June 14th & 15th, in London, the South Atlantic Fisheries Commission meets; *"They recommended that both Governments continue scientific research in order to achieve a greater understanding of the most significant offshore species in the area. They reaffirmed their support for the early warning system and acknowledged the need to carry out additional scientific work in order to improve it. The exchange of real-time data on fishing operations remained central to the operation of the system. The Commission agreed to recommend to both Governments that every effort be made to maintain a level of 40,000 metric tons of Illex spawning stock biomass at the end of the fishing season in order to ensure stock sustainability, and endorsed the recommendation of the Scientific Subcommittee that in situations of high uncertainty relating to the Illex squid fishery, there should be an increase in the frequency of data exchange between the Imperial College and INIDEP. Both delegations expressed their continued concern over the status of the Illex stock."* [1215]

June 20th, a further agreement is reached between Argentina and the UK in an exchange of notes.

"Agreement by Exchange of Notes of 8 and 20 June 2001: Exchange of information concerning the activities of the Argentine Republic and the United Kingdom in relation to their respective submissions before the Commission on the Limits of the Continental Shelf, established by the Convention on the Law of the Sea. Under this agreement, Argentina was able to perform part of the scientific data collection task in the area illegitimately occupied by the United Kingdom. Performed." [1216]

1212 See July 14, 1999

1213 Editorial in *Penguin News* June 8, 2001

1214 Repeated in *UN Doc. A/Ac.109/2002/16: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2002*

1215 *Ibid.*

1216 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See https://eaust.cancilleria.gob.ar/en/node/1248

June 25th, in Buenos Aires, British representatives meet with their counterparts to exchange views.

"Both delegations shared information about their planned activities with regard to the external boundary of the continental shelf in the area of the Falkland Islands, South Georgia and the South Sandwich Islands." [1217]

June 29th, at the UN, the Special Committee on Decolonization meet to consider the Falkland Islands. [1218]

Petitioners for Argentina are Guillermo Clifton, Alejandro Betts and Alejandro Vernet. An independent petitioner, Dr. Conrado Etchebarne Bullrich, an Argentine citizen, also speaks to the Committee to present a peace proposal formulated by himself and Alastair Forsyth, of the South Atlantic Council. [1219]

Representatives of the Falkland Islands Legislative Council, Cockwell and Birmingham address the Committee, after which they are questioned by the representative for Papua New Guinea regarding options preferred by the Islanders.

"The Special Committee had traditionally considered any one of three alternatives to be possible: independence, free association or integration. Consideration had been given recently to the possibility of adding a fourth alternative to those three, the specific features of which would have to be determined on a case-by-case basis. … Mr. Birmingham said that the population of the islands was entirely satisfied with its present status as an overseas Territory of the United Kingdom and that it was unlikely that the islanders would wish to change that status in the foreseeable future…" [1220]

"The elected representatives of the Islanders once again expressed their views clearly when they visited the United Nations for this year's debate in the Committee of 24 on 29 June. They asked the Committee to recognize that they, like any other democratic people, should be allowed to exercise the right to self-determination. As the democratic voice of the people of the Falkland Islands, their wishes are clear: they want to remain British and do not want to be part of Argentina." [1221]

Argentina's Foreign Minister, Rodriguez Giavarini, speaks before the committee to assert that Britain occupied the Falklands in 1833. Following the speeches, and as in previous years, the committee adopt, by consensus, a draft-resolution sponsored by Bolivia, Chile, Cuba and Venezuela calling for renewed sovereignty negotiations.[1222]

"… following the adoption of the resolution, the representative of Papua New Guinea made a statement in explanation of position in which he said that the Committee must ask and answer three questions with regard to the item: what was the Committee's mandate, did the mandate include adjudication of competing sovereignty claims, and, if not, could the Committee devise a solution without dealing with the sovereignty claims? … The representative of Sierra Leone stated that the interests of the people were paramount and that the resolution should make reference to the important question of self-determination." [1223]

1217 *UN Doc A/Ac.109/2002/16.* See 1958, 1994, April 2009, August 2012 & 2016
1218 *UN Doc A/56/23*
1219 *UN Doc A/Ac.109/2000/SR.8.* See 1998 & 1999
1220 *Ibid.*
1221 *UN Doc A/56/616: Statement of the delegation of the United Kingdom of Great Britain and Northern Ireland in exercise of the right of reply to the remarks made by the President of Argentina in the general debate on 10 November 2001*
1222 *UN Doc A/Ac.109/2001/L.8*
1223 *Ibid.*

After the session has ended, Minister Giavarini accepts an invitation to an informal meeting with the Islands' representatives.

"Asked if the Argentine minister, who apparently avoided contact with the Islanders during the 2000 debate, is someone with whom Islanders "can do business," Richard Cockwell said, "it's hard to say". ... . John Birmingham said the minister had at first been cautious about talking, but was happy when he was assured that it would be an "informal chat". John Birmingham continued: "We spoke about problems with poaching and fishing generally in the south west Atlantic - [there was a] sympathetic response - and also the continental shelf issue, which is going to be quite live in the next few months and years. The designation of a country's continental shelf limit is going to have to be decided and put to the UN by the year 2007. It would be a waste of everyone's money if the Argentines and the British, with partial financing by the Falkland islands Government, did the same work". Richard Cockwell indicated that discussion of the Argentine action following the controversial July 1999 agreement was cautious: "It wasn't a good idea to make the first meeting confrontational", he said. "However we did mention the [Goose Green cemetery] memorial and the fact that they had put in their planning applications. He said he was quite happy, that he understood our position on that". And then we brought up the toponymy. the naming of places, and they were at great pains to say that the commission has been set up and has had its first meeting to discuss it, and things are underway on that one. Something is happening on that, there is no doubt". So what was the judgement of the Argentine Foreign Minister by John Birmingham? "He seems a straightish kind of person, and is obviously a professional", said John Birmingham. I got the impression that he would be willing to listen to a anything that the British and possibly the Falkland Islands council would have to say in the future"." [1224]

June 30th, the end of the Falklands financial year; *"In 2000/2001, total revenue was £44 million, of which more than half (£23 million) came from fishing licences. Other sources of revenue were sales and services (£8 million), taxation (£7 million) and investment income (£6 million). During the same period, total expenditure was £47 million and Government reserves stood at £160 million, of which £90 million was in general reserve funds and the balance in special reserve funds for insurance and pension purposes."* [1225]

July 1st, in Buenos Aires, Alfredo Astiz is arrested following a formal request from Italy.

"Argentine Federal Judge Maria Servinide Cubria said she ordered the arrest on behalf of Italian Justice that is investigating the alleged participation of former captain Astiz in the disappearance of three Italian citizens during the 1976-1983 military dictatorship. ... The former Argentine Navy captain who is also known as the "death angel" by human rights groups in Argentina, surrendered to the British Task Force in 1982 when South Georgia was recovered. He spent some time in Britain in a military garrison before being returned to Argentina after the war was over." [1226]

July 17th, in London, Britain's new Foreign Secretary, Jack Straw, meets with Argentina's Foreign Minister, Rodriguez Giavarini. Straw asks that Argentina allows the *LanChile* flight from Punta Arenas to the Falklands to be recognised as a scheduled service.

1224 *Penguin News* July 6, 2001

1225 *UN Doc A/Ac.109/2002/16: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2002*

1226 *Penguin News* July 6, 2001. Switzerland had sought Astiz's extradition in 1982; without success. Italy would eventually fare no better. Nor would Sweden which requested Astiz's extradition in December 2001.Argentina has consistently declined to extradite any accused officers from the Dirty War, insisting that any trial must take place in Argentina.

"At their London meeting, the British and Argentine Foreign Ministers agreed in principle that their two government should "exchange notes" on carrying out a "de-mining feasibility study in the Falkland Islands". Argentina has offered to pay for mines clearance, and the Argentine Foreign Minister Dr. Giavarini, told a London news conference that an Argentine would be in charge of the budget for mines clearance. ... His Excellency the Governor, Donald Lamont, confirmed that there had been an agreement to proceed to an exchange of notes. He said, "The proposition is that there would be two project managers, one of whom, an Argentine, would be responsible for cost aspects"." [1227]

In St. Petersburg, at a meeting of the Antarctic Treaty nations, Britain drops its objections to Buenos Aires hosting the Antarctic Secretariat headquarters; on the understanding that Argentina is prepared to restrict its Antarctic ventures to civilian scientific work. [1228]

"Two issues helped to bring about a change in the United Kingdom's position regarding the headquarters of the Antarctic Treaty: the excellent relations achieved through the meetings of the Progressive Governments. ... and the arrival of Jack Straw as British Foreign Minister since he had a more formally affable attitude and a more receptive attitude in substance." [1229]

"What has been underestimated by journalists and political commentators is that the Falklands dispute also has ramifications for other areas of South Atlantic/Antarctic diplomatic business. This dispute features as a regular item in the annual diplomatic meetings of the Antarctic Treaty System (ATS) and thus contradicts earlier optimistic claims that Anglo-Argentine antagonism never 'reached' the meetings of the Antarctic Treaty consultative parties (ATCPs). This was never entirely true and the difficulties in agreeing to the establishment of an Antarctic Treaty Secretariat, for instance, were largely around Anglo-Argentine issues since the Falklands War, with the UK, in particular, objecting to the proposal to locate it in Argentina. After consensus was finally reached in 2001 that it would indeed be located in Buenos Aires, tensions eased somewhat..." [1230]

August 1st, Britain's Prime Minister, Tony Blair, makes a brief visit to Argentina following meetings in Brazil. [1231]

"Although the Falklands was officially off the agenda of the meeting between the two leaders, the press insisted on raising the subject. Asked why Britain does not comply with the UN invitation to hold sovereignty talks over the Falklands. Mr Blair replied "...the past can't be modified". A question from a British journalist about a possible, "invasion of the Islands", had Mr De la Rua recall that Argentina's claim was, "...completely peaceful". Before leaving Buenos Aires for the Iguazu historic meeting, Argentine Foreign Minister Rodriguez Giavarini said, "... Malvinas sovereignly will always be an Argentine aspiration", and rejected suggestions from the British press that the non inclusion of the issue in the agenda was tacit recognition of British sovereignty, saying,"...it is a totally subjective interpretation"." [1232]

October 10th, at the UN, during its annual consideration of the work of the Special Committee on Decolonization, the Fourth Committee hears from the Chief Minister of Gibraltar.

"In the process of decolonization, he said, there was no alternative to self-determination. Contrary to what Spain said, there did not exist, in international law or United Nations doctrine, any principle of territorial integrity that could be applied to a decolonization situation. The annual consensus resolution on Gibraltar was

1227 *Penguin News* July 20, 2001
1228 Another Argentine commitment that proved to be of little value.
1229 Minister Giavarini quoted in Romero 2020 from an interview conducted May 30, 2000
1230 *Recent developments in relations between the United Kingdom and the Argentine Republic in the South Atlantic/Antarctic region* Klaus Dodds & Alan D. Hemmings 2012
1231 Although the first visit to Argentina by a serving British Prime Minister, the Falkland Islands were not on the agenda.
1232 *Penguin News* August 3, 2001

fundamentally flawed because it called for bilateral negotiations between the United Kingdom (the administering Power) and Spain (the territorial claimant) to resolve their differences over Gibraltar. Where did the people of Gibraltar, their wishes and rights to self-determination fit into that formula? The language of the resolution was one of territorial disputes and not one of decolonization and self-determination, thereby ignoring the inalienable right of the people of Gibraltar." [1233]

October 11th, Britain and Argentina exchange notes to activate the long-standing proposal for a feasibility study on removing the mines remaining in the Falklands after the 1982 war. Only one British mine is unaccounted for; *"According to the United Kingdom Government, there are 101 mine fields in the Islands, covering a total area of 20 square kilometers and containing 16,600 mines."* [1234] De-mining costs are estimated at more $250 million.

"According to a press release from the British Embassy in Buenos Aires, the UK and Argentine Governments exchanged notes on October 11, 2001 on carrying out a de-mining feasibility study in the Falkland Islands. under the sovereignty protection formula and within the framework of the Ottawa Convention of 1997 on antipersonnel mines. This exchange of notes implements the previous commitment to a de-mining feasibility study made by both Governments in the July 1999 Joint Statement. … The feasibility study will be carried out under the supervision of a Joint British Argentine Working Party on which both Governments will be represented. Two project managers could be appointed by the Joint Working Party. They will be responsible for managing the conduct of this study. The one appointed by Argentina will be responsible for financial aspects and the one appointed by the United Kingdom will be responsible for technical aspects. Both governments will jointly send the text of the Understanding to the UN Secretary General for its distribution as an official paper of the General Assembly under the heading, 'The Falkland Islands/Islas Malvinas' of the 56th session. They will also submit any reports in accordance with the terms of the Ottawa Convention." [1235]

"I warned the British, during my tenure in London, that the National Congress would never vote for administration by the Islanders and that our presence on the islands was indispensable to secure funding. This issue was understood in the FCO. De-mining is now being carried out in Malvinas, but without Argentina." [1236]

October 12th, at the UN, the Fourth Committee concludes its debate on decolonization issues. Venezuela and Ecuador make passing mention of the Falklands. Exercising a right of reply, the UK's representative tells the Fourth Committee that the UK's position is well known. [1237]

October 23rd, at the Hague, the International Court of Justice delivers its judgement in the sovereignty case between Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) where the Philippines had applied to intervene. A separate opinion by Judge Franke includes his view on self-determination.

> *"… historic title, no matter how persuasively claimed on the basis of old legal instruments and exercises of authority, cannot – except in the most extraordinary circumstances – prevail in law over the rights of non-self-governing people to claim independence and establish their sovereignty through the exercise of bona fide self-determination."* [1238]

1233 Fourth Committee Press Release *GA/SPD/213*. These remarks are equally applicable to the Falkland Islands.
1234 *UN Document A/Ac.109/2002/16. cf.* 1982, 2006, 2009 & 2020. See also *UN Doc A/56/639*
1235 *Penguin News* October 19, 2001
1236 Berasategui 2013. Berasategui was Argentine Ambassador to London in 2001/2.
1237 *GA/SPD/213*.
1238 *Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia v. Malaysia) Application by the Philippines for Permission to Intervene Judgment of 23 October 2001* in *World Court Digest 2001-2005*

October 29th, Argentina protests Britain's proposed designation of the Falkland Islands, South Georgia and the South Sandwich Islands as *'British Overseas Territories'*, alleging that it is an attempt to; *"...introduce unilateral changes in that situation while the sovereignty dispute was still unresolved."* [1239]

"The Government of the United Kingdom rejects the above-mentioned letter. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The White Paper does not alter the status of those territories." [1240]

November 10th, at the United Nations in New York, President Fernando de Rúa of Argentina, gives a speech recalling; *".. the repeated United Nations requests for Argentina and the United Kingdom to resume negotiations on a just and lasting solution to the sovereignty dispute."* Exercising its right of reply, the UK responds that Britain has; *".. a duty to respect and defend the right to self-determination of the people of the Falkland Islands."* [1241]

November 22nd, elections are held in the Falkland Islands.

November 26th, at the UN, there being no recommendation by the Special Committee on Decolonization for the adoption of its resolution, the General Assembly defer the question of the Falklands for another year. [1242]

November 29th & 30h, in Buenos Aires, the South Atlantic Fisheries Commission meets for two days of talks.

"In a joint press statement issued at the conclusion of the meeting, the British and Argentine delegations agreed that the formula on sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, contained in paragraph 2 of the joint statement issued in Madrid on 19 October 1989, applied to the meeting and its consequences. ... Both delegations reiterated the commitment of their Governments to the conservation of fish and squid stocks of the South-West Atlantic. They recommended that both Governments continue scientific research." [1243]

December 3rd & 4th, a joint working group holds its first meeting in Buenos Aires, to discuss de-mining.

"According to the United Kingdom Government, there are 101 mine fields in the Islands, covering a total area of 20 square kilometres and containing 16,600 mines. In October 2002, the local media reported that island authorities were in the early stages of negotiating an understanding with the military regarding civilian maintenance of mine field fences." [1244]

December 5th, the International Monetary Fund announces that it will cut off support for Argentina as the country is failing to meet the conditions imposed on IMF loans.

December 20th, in Buenos Aires, citing a lack of support, President Fernando de la Rúa resigns. Ramón Puerta takes over as interim president.

December 21st, in a Christmas Message, PM Tony Blair tells the Falkland Islanders; *"... Differences remain as we continue to make clear that sovereignty over the Falklands is not open to negotiation. Our position is unchanged:..."*

December 22nd, in Argentina, Adolfo Rodriguez Saá becomes the new President.

1239 *UN Doc A/56/515*
1240 *UN Doc A/56/777*
1241 *UN Doc A/56/616*
1242 *UN GA Decision 56/410.* See also *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2001 A/56/23. cf.* 1989
1243 *UN Doc A/Ac.109/2002/16: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1244 *UN Doc A/AC.109/2003/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

December 24th, in the midst of a financial crisis, Argentina defaults on the country's $93 billion sovereign debt; *"Argentina has announced that it has suspended payments on its $132bn foreign debt – the biggest default in history. The deferral of payments follows months of economic crisis and several days of rioting that left more than 20 people dead and forced the resignation of the government last week."* [1245]

December 30th, President Saá resigns. Eduardo Camaño takes over as interim president.

"For a fourth time in less than two weeks, a new president was sworn in Monday as the head of Argentina -- but the latest chief will only hold the job for a day, while a longer-term candidate is found. The move was made less 24 hours after interim President Adolfo Rodriguez Saa resigned Sunday, and the man to whom the post would have fallen said he also didn't want the job of leading a country reeling from a devastating economic crisis. As a result, Eduardo Camaño -- president of the national Chamber of Representatives and a Peronist party member, but little known outside political circles -- took the oath of office. He will serve as president until the legislative assembly meets Tuesday to vote on a new president." [1246]

2002 — January 2nd, Eduardo Duhalde is sworn in as Argentine President.

"Argentina is broke, and we're all responsible", said incoming Argentine president Eduardo Duhalde after taking office in a ceremony in Casa Rosada, Buenos Aires. Mr Duhalde (Peronist party) is a former governor of Buenos Aires province, the former vice president of Carlos Menem, and the fifth Argentine president in twelve days that have included extensive rioting and social upheaval with at least 30 people killed." [1247]

"... in January 2002 Dr. Eduardo Duhalde took office, who identified that in his administration it would not be transcendental to advance the claim for sovereignty of Malvinas before the UK, and concentrated on more pressing domestic policy issues." [1248]

January 3rd, with a press release, Argentina asserts its annual claim of rights over the Falkland Islands, South Georgia and the South Sandwich Islands.

> *"On 3 January 1833, British forces seized the Malvinas Islands, expelling their inhabitants and the Argentine authorities established there. Today, on the 169th anniversary of that illegal occupation, the Argentine people and Government reaffirm the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands ..."* [1249]

January 17th, Britain's representative at the UN rejects the contents of Argentina's letter of October 29th noting that the proposals do not; *"... change the status of those territories."* [1250]

January 21st, the UK rejects Argentina's January 3rd claims as *"unfounded."*

"The Government of the United Kingdom of Great Britain and Northern Ireland had no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and rejects as unfounded the claim by the Government of Argentina to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom." [1251]

1245 *BBC News* December 25, 2001
1246 *CNN* January 1, 2002. Rather reminiscent of 1821.
1247 *Penguin News* January 4, 2002
1248 Pereyra & Argento 2016
1249 *UN Doc A/56/765.* Argentina prefers to forget that Britain had issued warnings in 1829 and 1832.
1250 *UN Doc A/56/777*
1251 *UN Doc A/56/786: Letter dated 21 January 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*

January 29th, in New York, responding to a request from the Security Council, the UN's Under-Secretary General for Legal Affairs, Hans Corell, provides a legal opinion regarding the exploitation of mineral resources within Non-Self-Governing Territories.

> *"The legal regime applicable to Non-Self-Governing Territories was further developed in the practice of the United Nations and, more specifically, in the Special Committee and the General Assembly. Resolutions of the General Assembly adopted under the agenda item entitled 'Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples' called upon the administering Powers to ensure that all economic activities in the Non-Self-Governing Territories under their administration did not adversely affect the interests of the peoples of such Territories, but were instead directed towards assisting them in the exercise of their right to self-determination. ...*
>
> *In recognizing the inalienable rights of the peoples of Non-Self-Governing Territories to the natural resources in their territories, the General Assembly has consistently condemned the exploitation and plundering of natural resources and any economic activities which are detrimental to the interests of the peoples of those Territories and deprive them of their legitimate rights over their natural resources.*
>
> ***The Assembly recognized, however, the value of economic activities which are undertaken in accordance with the wishes of the peoples of those Territories**, and their contribution to the development of such Territories."* [1252]

Noting that in November, 1975, Spain had concluded a power-sharing agreement with Morocco and Mauritania, Hans Corell opines;

> *"... a Declaration of Principles on Western Sahara was concluded in Madrid between Spain, Morocco and Mauritania ("the Madrid Agreement"), whereby the powers and responsibilities of Spain, as the administering Power of the Territory, were transferred to a temporary tripartite administration. The Madrid Agreement did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power, a status which Spain alone could not have unilaterally transferred. The transfer of administrative authority over the Territory to Morocco and Mauritania in 1975 did not affect the international status of Western Sahara as a Non-Self-Governing Territory."* [1253]

"... Corell ruled the agreement – "did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power, a status which Spain alone could not have unilaterally transferred", – (paragraph 6). The same legal principles would apply to the Falklands. An agreement between Argentina and the United Kingdom to transfer sovereignty over the Falklands/Malvinas to Argentina would be illegal, unless the transfer was approved by the people of the Falkland Islands as an act of self-determination."[1254]

February 15th, in the Falklands, *Penguin News* reports; *"Seventeen million pounds should be collected in fishing licences from illex jiggers alone this season. Director of Fisheries John Barton staled this week. The illex jigging season began yesterday at 6pm. The day before (Wednesday) around twenty jiggers could be seen in*

1252 *S/2002/161. Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council in response to a Security Council request dated 13 November 2001*. My emphasis

1253 *Ibid.* para.6. This implies that had the UK handed the Falkland Islands over to Argentina in the late 1970s, the Islands would have remained a NSGT listed at the UN for the purposes of decolonisation.

1254 From the website of the South Atlantic Council (SAC), January, 2018.

Stanley Harbour awaiting their licences. … As usual many of the vessels are Korean but there are also a number of Taiwanese and Chinese jiggers taking up licences. A total of 125 jiggers will be licensed to fish in Falklands waters this season."

February 22nd, at Port Stanley, a decision is made that the Legislative Council will no longer be presided over by the Governor, but by an elected Speaker. Lionel Geoffrey (Tim) Blake is elected as the first Speaker.[1255]

> *"It is and will be an historic moment when the Speaker replaces the Governor as Chair of Legislative Council. It is very much in accordance with the spirit of the White Paper produced by the Labour Government, on Partnership and Progress. And, requesting of us all, the Overseas Territories that the Governments we provide should be appropriate to modern time.*
>
> *It is the demonstration of internal self-government and, indeed, of the right to self determination that we all have, appreciate, and nurture all that is inferred in the White paper. There are, as we said before in this House, no implications whatsoever for the relationship between the Falklands Legislature and Her Majesty's Government. This is a normal process in maturing of the democracy."*[1256]

"This is window dressing, the Islanders' constitutional control is no stronger, the British Government having reserved powers and a firm administrative grip." [1257]

March 7th, the Falkland Islands Government approves the final plans for a new memorial at the Argentine Military Cemetery near Fish Creek. [1258]

"The application approved by the Planning Committee allows the construction of two curved walls at the rear of the cemetery – in the area where the large wooden cross currently stands. A plinth, a memorial cross and a statue of the Virgin Mary as well as plaques with the names of the 655 Argentine servicemen killed in the 1982 conflict are also to be constructed. The plaques with the names will make no reference to serviceman's rank or service as is already the case at the Malvinas Memorial in Buenos Aires. Construction of a monument to the Argentine war dead at the Argentine Cemetery at Darwin (sic) was agreed as part of the 1999 Argentine – British agreement signed by the late Argentine Foreign Minister Guido Di Tella and his then British counterpart Robin Cook. The approved project is a scaled down version of the original application submitted by the Next-of-Kin Association's architects Monica Berraz and Carlos D'Aprile in 1999. The organisers are seeking to collect 1.5 million dollars for this project." [1259]

"The (Argentine) government made it known that it would not finance the project. The (next-of-kin) association solicited contributions, in particular during football matches, and made a certain amount through the organization of a concert in the Colón theater, but it was still not enough. It was the British Ambassador in Buenos Aires who invited César Trejo and Héctor Cisneros to his residence, where they met the rich entrepreneur Eduardo Eurnekián. According to César Trejo, Eurnekián proposed to provide complete financing for the monument's construction without any return and without giving an explanation for his gesture." [1260]

1255 *Record of the Meeting of the Legislative Council held in Stanley on 22 February 2002.* Lionel (Tim) Blake presided over proceedings as Speaker until 2005.
1256 The Honourable Mike Summers OBE, speaking at the meeting of Feb 22, 2002
1257 Elgood 2025
1258 *UN Doc A/AC.109/2002/16: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.* See July, 1999
1259 *Mercopress: South Atlantic News Agency* March 12, 2002
1260 Rubenstein 2011. Eurnekian is an Argentine billionaire of Armenian heritage. *cf*. 2020

March 11th & 12th, at Stanley, Defence Secretary Geoffrey Hoon stops off en-route to Buenos Aires. After laying a wreath at the 1982 War memorial, Hoon meets with local Councillors.

"Councillor Norma Edwards expressed her satisfaction with the outcome of a meeting, which Mr. Hoon had with elected Councillors in Port Stanley. "He did mention further cooperation with Argentina but I told him that we had probably gone as far down that road as was possible. We have been engaged in Fisheries scientific exchanges for sometime, and Joint Search & Rescue sea missions. There really are not many other areas where we can cooperate with Argentina unless they drop their sovereignty claim,.." said Mrs. Edwards. She was the only Councillor to oppose the signing of the July 1999 Joint Statement by the British, Argentine and Falklands Governments, which allows Argentine nationals to visit the Falklands, following a 17 years ban." [1261]

March 21st & 22nd, in London, the South Atlantic Fisheries Commission convenes.

"A study on the feasibility of using data from satellites to assess the level of fishing for illex in the high seas was the subject of a discussion at the twenty first meeting of the South Atlantic Fisheries Commission in London on March 21-22. It was decided that the study should be started with a preliminary report to be produced for the next meeting of the SSC." [1262]

April 2nd, in Tierra del Fuego, President Eduardo Duhalde marks the 20th anniversary of Argentina's invasion of the Falkland Islands with a speech where he asserts; *"The Malvinas are ours and we are going to get them back."* Some 2,600 Argentine war veterans march through Ushuaia, expressing a willingness to return to war for the Falklands. Ceremonies are also held in Buenos Aires. April 2nd is declared to be a national holiday; *"The military may have been irresponsible, incompetent, and acting illegally, but the installation of the holiday suggested that the "cause" remained a just one;..."* [1263]

April 12th, in the UK, the BBC finally air *The Falklands Play*.

"*The long-awaited broadcast of The Falklands Play, which remained shelved for 16 years has proved a ratings hit for the BBC's newest digital channel. The dramatisation of the events leading up the Argentine invasion of the Falklands Islands in 1982 went out on BBC Four, the corporation's arts and culture station. The play, based on the first two days of the conflict, attracted a record audience of 174,000 at its peak, giving the channel its highest ever audience. BBC Four, which launched in March, has come under fire for the low viewer numbers it has been attracting, with some programmes watched by just 5,000 people. The BBC commissioned the Falklands play from Ian Curteis in 1986, but shelved it because of its pro-Margaret Thatcher stance ahead of a general election. The then BBC controller, Michael Grade, took offence to what he called its jingoistic tone. The covers were then firmly kept on the script until this year, in time for the 20th anniversary of the Falklands war."* [1264]

"The Falklands Play was written by lan Curteis. who accused the BBC of banning the play - which it originally commissioned - because he refused to tell lies criticising the then Prime Minister, Margaret Thatcher, in her conduct of the war. He argued that his, "... meticulously researched" version was accurate and that the BBC imposed its ban because he resisted its mandatory changes. He was asked to remove scenes depicting Margaret Thatcher in a sympathetic light, for example showing her writing in her own hand to families of men who had been killed in action, or exhibiting emotion or distress on news of the deaths of British servicemen. He also refused to insert scenes showing Mrs Thatcher in the War Cabinet cynically tailoring military decisions to the object of winning the next general election, lan Curteis says he checked with the Chief of Defence Staff,

1261 *Mercopress: South Atlantic News Agency* March 12, 2002
1262 *Penguin News* April 5, 2002
1263 *Argentina's mirror: the causa Malvinas* Celia Szusterman 2007
1264 *BBC News* April 12, 2002

Admiral Lord Lewin, who confirmed that no such consideration ever played any part in the conduct of the war and BBC executives could not produce any evidence to support their instruction." [1265]

April 26th, South Georgia commemorates its Liberation Day on the 20th anniversary of the Island's recapture by British forces during the Falklands War.

"After the service, the group walked to the cemetery where, on the still but snowy morning a wreath was laid on the central cross and a minute's silence observed in memory of all who died in 1982. A second wreath was laid on the grave of Argentine Felix Artuso. He was the only casualty of the liberation of South Georgia." [1266]

May 3rd, in an exchange of notes, Britain and Argentina agree that Argentines can visit South Georgia and the South Sandwich islands on the same conditions applicable to visitors to the Falklands. That is, suitable accommodation, sufficient funds and on production of a valid Argentine passport; *"The visits by Argentine nationals to the islands will take place under the umbrella' formula issued at Madrid in 1989 which protects the respective positions of the UK and Argentina concerning sovereignty of the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime area. The formula applies to these visits as well as to all acts necessary for the visits to take place."* [1267]

May 17th, in the Falklands, *Penguin News* reports: *"Remains recovered from a British corvette sunk in Patagonia over two centuries ago are on exhibition in Buenos Aires. The corvette HMS Swift, which in 1770 apparently operated from Port Egmont. was caught in the middle of a fierce storm in Puerto Deseado, ... and rapidly sunk after hitting a rock. Of the 91 crew members under Captain George Farmer, 88 survived (and) were rescued ... The Buenos Aires exhibition includes 59 pieces of great historical value recovered by divers from the Argentine Sub-aquatic Archaeological Programme belonging to the National Anthropology Institute, who have been working in the underwater wreckage since 1997 when HMS Swift was discovered. Among the pieces are green bottles, glassware, china, porcelain, shoe buckles, cannon balls, other minor munitions, even a copper built open fire with some coal remains found in the captain's quarters."* [1268]

May 20th, East Timor cedes from Indonesia to become an independent nation as Timor-Leste. [1269]

May 21st, in the UK, the *British Overseas Territories Act 2002* comes into force, renaming the British Dependent Territories and superseding parts of the British Nationality Act 1981.

"... the British Dependent Territories were converted to British Overseas Territories. This change in name was seen as ending their status as colonies and all those who were then citizens automatically became British citizens." [1270]

In the Falklands, a ceremony is held to remember the landings at San Carlos in 1982.

1265 *Penguin News* April 12, 2002. In April 1982, the Tory party were 2% ahead of the opposition in the polls, two days before Argentina invaded the Falkland Islands. General elections on won and lost on the economy. Not wars.

1266 *Penguin News* May 10, 2002

1267 *Penguin News* May 17, 2002

1268 Taken from South American news reports provided to *Penguin News* by the South American news agency *MercoPress*. For the history, see 1770.

1269 A Portuguese colony until 1975, when it was seized by Indonesia. A UN sponsored referendum of August 30, 1999 resulted in a vote for independence which Indonesia rejected. Following violence, a UN peacekeeping force moved in and Indonesia was forced to recognise the result of the referendum in October, 1999. Peacekeepers remained until 2013. Writing in 2025, it is worthy of note that the independence of Timor-Leste was the last transition from colony to country that the UN achieved.

1270 *A Report on the Referendum on the Political Status of the Falkland Islands* Peter Willetts 2013. *cf.* 1981 & 1983

"More than two hundred people gathered at San Carlos on Tuesday, to pay their respects", for those who died in the events leading to the initial landings at Blue Beach, San Carlos and the Battle for Goose Green. In San Carlos Bay - which became known simply as 'bomb alley', as a result of the constant and devastating attacks by Argentine aircraft - two Royal Naval ships sat at anchor. Close by, a bobbing red coloured buoy significantly denotes the exact position where HMS Antelope lies on the bottom of the sea - a victim of an accurate Argentine air attack. Prayers were held for those that gave their lives. While a lone piper played a lament." [1271]

May 22nd, in London, during a speech to the South Atlantic Council, Parliamentary Under-Secretary at the Foreign Office, Dennis MacShane reiterates the British Government's commitment to support the Falklanders right of self-determination.

June 10th, Argentina issues a press statement on the 173rd anniversary of the events of 1829 - "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector."

> *"On 10 June, the Day of Affirmation of Argentine Rights to the Malvinas, islands and the Antarctic Sector, the Argentine nation commemorates the establishment of the Political and Military Command of the Malvinas Islands and Islands Adjacent to Cape Horn in the Atlantic Ocean in accordance with the decree of the Interim Governor of Buenos Aires Province, Brigadier General Martín Rodríguez, in 1829. ... On this important occasion, the Argentine Government reaffirms its constant readiness to engage in dialogue with the United Kingdom in order to resume negotiations with a view to finding, as soon as possible, a just and definitive solution to the unresolved sovereignty dispute."* [1272]

June 14th, at Stanley, on the 20th anniversary of the Argentine surrender in 1982, Britain's forces are granted the *Freedom of the Falkland Islands*; accepted by Commodore R. J. Ibbotson, and witnessed by Adam Ingram MP. In a message to the Islanders, Prime Minister Tony Blair confirms that; *"The Islands will be British for as long as you wish them to remain so."*

"The Rt. Hon. Adam Ingram MP. Minister of State for the Armed Forces, has expressed approval of the tone of the twentieth anniversary commemorations, describing them as "...reflective and conciliatory towards Argentina". At a press conference at Government House last night, the Minister reiterated Defence Minister Geoff Hoone's statement that, "Islanders can be reassured that the United Kingdom and the current government remain totally committed to the Falkland Islanders' right to self determination". Mr Ingram, who was invited by the Falkland Islands Government to represent the British Government at the commemorations, stated, "These Islands shall remain British for as long as the Islanders wish them to". Mr Ingram commented, "..there is a lot of remembered hurt around", when asked whether he felt it fitting that no Argentines had been invited to participate in the anniversary commemorations. He said, "...people remember things deeply and it takes time for reconciliation..."." [1273]

"Islanders have repeatedly demonstrated their deep gratitude – by word and deed. They have bestowed upon the Armed Forces the Freedom of the Falklands. ... (Islanders) have kept faith with the dead by fulfilling the solemn pledge they made twenty years ago to build a better future to demonstrate that the loss of British lives and the war to restore their freedom was not in vain." [1274]

1271 *Penguin News* May 24, 2002. In 2024, British Prime Minister Keir Starmer told the House of Commons that his uncle, Roger Baker, had been aboard *Antelope* when it was bombed (Starmer said torpedoed). Starmer's uncle survived. The Prime Minister had been attempting to reassure the House that he had no plans to hand the Falklands over to Argentina.

1272 *A/AC.109/2003/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat, cf.* 1829

1273 *Penguin News* June 13, 2002

1274 *Falkland Islands Newsletter* September, 2002 no.82

June 19th, at the United Nations building in New York, the Special Committee on Decolonization considers the question of the Falkland Islands. [1275]

The committee hear representations from islanders' Norma Edwards and Phillip Miller.

"The elected representatives of the Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the United Nations Committee of 24 on 19 June. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands." [1276]

Petitioners for Argentina are James Douglas Lewis and Alejandro Betts. [1277] As in previous years, a draft-resolution sponsored by Bolivia, Chile, Cuba and Venezuela calls for a resumption of sovereignty negotiations. Acting as an observer, Argentina's Foreign Minister, Carlos Ruckauf, addresses the Committee.

> *"... the General Assembly, in its resolution 2065 (XX), recognized that a colonial situation existed on the Malvinas Islands and recommended that it should be brought to an end in a manner that would reconcile respect for the territorial integrity of the Argentine Republic with recognition of the interests of the inhabitants of the islands. ... Notwithstanding such pronouncements, the United Kingdom has not shown itself willing to resume dialogue on the substantive issue..."* [1278]

"The representative of Uruguay affirmed that the only grounds on which the United Kingdom laid claim to the Falkland Islands was by an act of force committed against a sovereign territory of Argentina. Legally, historically, geographically and geologically, the Islands were Argentinian. All that remained was for both Governments to begin peaceful negotiations to normalize the situation, in accordance with resolutions of the General Assembly and the Organization of American States, ... The representative of Sierra Leone affirmed that colonialism in any form was incompatible with the Charter of the United Nations, reiterated that the islanders must be allowed to exercise their right to self-determination .... The representative of Papua New Guinea said that the issue was very delicate. While Argentina and the United Kingdom should resolve the sovereignty issue through constructive negotiations, it was essential that the opinion of the islanders about the future status of the Territory should be ascertained. ... The representative of Antigua and Barbuda said that he was pleased to note that Argentina and the United Kingdom were cooperating with one another and ensuring the continued safety and development of the islanders. The Committee was the conduit through which the interests of the parties were served. He wished the islanders success in their endeavours..." [1279]

The Special Committee adopts the draft-resolution without a vote. [1280]

June 30th, the end of the Falkland Islands financial year; *"In 2001/2002, the revised estimate for total revenue was £43 million, of which more than half (£22.8 million) came from fisheries. Other sources of revenue were taxation (£5.3 million), investment income (£4.5 million) and those derived from public works (£4.2 million). During the same period, the revised estimate for total expenditure was £51.8 million. Government assets in*

1275 *UN Document A/57/23*
1276 *A/AC.109/2003/17 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 20 May 2003*
1277 *UN Document A/Ac.109/2002/SR.8*
1278 The last UN General Assembly (GA) resolution to mention 2065 (XX) was that of 1984 (39/6). The resolution of 1985 (40/21), which replaced that of 1984 did not refer to 2065 (XX). Nor did the resolutions that followed annually until 1988, when the GA adopted its final Falklands resolution. 2065 (XX) was effectively buried at the UN in 1985.
1279 *A/AC.109/2003/17 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 20 May 2003*
1280 *UN Doc A/Ac.109/2002/25*. See September 30, below.

2002 stood at £163 million, of which £74 million was in special reserve funds for insurance and pension purposes." [1281]

July 4th, Argentina's President signs decree *1179/02* granting scheduled status to the *LANChile* flight.

July 16th, in Buenos Aires, Foreign Minister Carlos Ruckauf downgrades his *General Directorate of Malvinas and Southern Atlantic Islands* to the *General South Atlantic Directorate*.

"... at a time when new openings are being discussed in similar sorts of conflicts, as is happening between Britain and Spain over Gibraltar, Buenos Aires decides to erase the name 'Malvinas' ... As if it were unimportant, something that could be discarded and not a symbol close to the hearts of all Argentines." [1282]

July 25th, the South Atlantic Fisheries Commission meets in Buenos Aires.

Argentina objects to an application by the British Government for Marine Stewardship Council (MSC) certification of the fishery around South Georgia. [1283]

"In 2002, Argentina protested strongly at the annual Antarctic marine living resources meeting about what it termed the 'unilateral action' of the UK in seeking such certification ... Perhaps Argentina read more into the commitment to 'coordinated programmes' in relation to fishing in Section III of the UK/Argentine Joint Statement (Government of the UK and Government of the Argentine Republic 1999) than the UK." [1284]

In **July**, British Foreign Secretary Jack Straw announces his government's willingness to share sovereignty of Gibraltar with Spain provided that the Gibraltarians agreed. In Buenos Aires, *Clarin* announces that the Argentine Government are, "*celebrating*."

July 10th, the Government of the Falkland Islands awards ten oil exploration licences.

"... to a consortium of Australia's Global Petroleum (50%) and Hardman Resources (30%) and the Falkland Islands Company (20%), Hardman said in a statement. The licenses cover a total area of 57,000 sq. km. in the South Falklands basin, south and east of the Falkland Islands in the south Atlantic. They were granted in accordance with "open-door" legislation introduced in 2001, Hardman said. Global Petroleum acts as operator. It is a newly formed Australian petroleum company listed on the Australian Stock Exchange, currently in the process of raising some 15mn Australian dollars (US$8.52mn) equity. The Falkland Islands Company is the main infrastructure and commercial entity in the islands. The South Falklands Basin, where the licenses are located, is distinct geographically and geologically from the northern basin that was the focus of exploration activity in 1996-98, Hardman said. The southern basin is under-explored and is covered by a grid of seismic dating from 1993 and totaling almost 8,000km. It has analogies with the Malvinas and Magallanes basins in Argentine waters to the west of the Falklands, where a well drilled by Exxonmobil in the early 1980s flowed 3,200 barrels of oil a day, demonstrating the existence of a nearby working petroleum system. The permit has been awarded for an initial three-year period during which the joint venture will reprocess existing seismic data, followed by acquisition of a new seismic survey to further delineate leads identified." [1285]

1281 *UN Doc A/AC.109/2003/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1282 *Ambito Financiero* quoted in *Penguin News* July 19, 2002.
1283 The South Georgia Patagonian Toothfish fishery was certified by the MSC in 2004.
1284 Dodds & Hemmings 2012
1285 *Bnamericas: News* July 10, 2002. Also *Falkland Islands Newsletter* September, 2002 p.2

September 17th, in New York, during a General Assembly debate[1286], Argentina's Foreign minister, Carlos Ruckauf, says; *"As the General Assembly knows well, the Argentine Republic has a sovereignty dispute with the United Kingdom over the Malvinas and South Georgia and the South Sandwich Islands, as well as the surrounding maritime areas. The recovery of full sovereignty over that part of our national territory, while respecting the interests of the inhabitants and international law, is a precept enshrined in the Argentine Constitution. The issue was included in the programme of work of this Organization, which, in several resolutions, asked the Government of Argentina and the Government of the United Kingdom to resume negotiations to find a just and lasting solution to the sovereignty dispute, thus ending a colonial situation imposed by the use of force in 1833. Today, in line with that request, Argentina once again reaffirms its positive disposition to resume bilateral negotiations with the United Kingdom to find a solution to the question and its support of the good offices mission that the General Assembly entrusted to the Secretary-General to assist the parties to achieve that goal."* [1287]

Britain immediately exercises a right of reply.

"... with respect to the statement made by the Minister for Foreign Affairs, International Trade and Worship of Argentina, the British Government welcomes the resolve of the Argentine Government to engage in positive bilateral exchanges with the United Kingdom concerning practical cooperation in the South Atlantic. My Government shares this resolve. We believe that such exchanges contribute further to the mutual understanding embodied in the 1999 Anglo-Argentine Joint Statement. Implementation of this Statement, which covers a range of issues concerning the South Atlantic, including air access, fisheries conservation and other confidence-building measures, shows that the United Kingdom and Argentina can manage our differences whilst developing cooperation on matters of common interest. We have continued to make steady progress in the past year. However, we wish to recall that there is nothing in the 1999 Joint Statement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands." [1288]

September 30th, the UN's Fourth Committee sits to consider the work of the Special Committee on Decolonization. As in previous years, the Decolonization Committee is not recommending their Falklands resolution for adoption by the General Assembly.

"Because the Decolonisation Committee is a subsidiary body of the General Assembly, it has no decision-making powers. Its resolutions have no legal significance unless and until they are endorsed by the Assembly."[1289]

October 8th, Argentina repeats its complaints regarding the UK's '*Partnership for Progress and Prosperity: Britain and the Overseas Territories*' to the UN Secretary-General. [1290]

> *"... which is mentioned in resolution 56/72 adopted by the United Nations General Assembly at its most recent session. In this connection, the Government of the Argentine Republic wishes to reiterate its rejection of this White Paper insofar as it refers to the Malvinas, South Georgia and South Sandwich Islands and rejects the designation of these colonial Territories subject to a sovereignty dispute as British Overseas Territories and any other similar designation, as well as any plan to introduce unilateral modifications in the situation while the sovereignty dispute is pending.*

1286 Not specifically on the subject of the Falklands.
1287 *A/AC.109/2003/17 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 20 May 2003*
1288 *Ibid.*
1289 *The United Nations, Self-Determination and the Falkland Islands* Peter Willetts 2013
1290 The White Paper had resulted in the British Overseas Territories Act 2002; in force from May 21, 2002. See above.

The Argentine Government wishes to recall once again that the United Nations General Assembly adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes the existence of a sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland concerning the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas. In addition, the General Assembly defined the question as a special and particular colonial case that must be resolved through bilateral negotiations between the two Governments, with the good offices of the United Nations Secretary-General, who is to report to the General Assembly on the progress made."[1291]

"*The Government of the United Kingdom rejects the above-mentioned letter. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The nomenclature applied to Overseas Territories, which was confirmed with Parliamentary enactment of the British Overseas Territories Act, 2002 does not alter the status of those territories."* [1292]

November 4th, Foreign Minister Carlos Ruckauf visits the UK where he assures his hosts that; *"... regardless of who might be in the Government in Argentina, the country will continue with its claim of sovereignty..."* [1293]

November 7th, following comments by British Foreign Secretary Jack Straw about the preparedness of the UK to share sovereignty over Gibraltar, the Gibraltarians organise their own referendum to pre-empt anything by London. The referendum overwhelmingly rejects the suggestion of sovereignty being shared with Spain. [1294]

"Gibraltarians have wholeheartedly rejected British plans for their future when nearly 99% voted, via a referendum, against any deal involving shared sovereignty with Spain. Yesterday's referendum, although not legally binding on the British government, provided a huge blow to the attempts by the foreign secretary, Jack Straw, to negotiate an end to the 300-year feud over the Rock with Spain. Although Spain and Britain have not yet closed a definitive deal, Mr Straw told the Commons in July that, after months of difficult talks, both sides had agreed that shared sovereignty was the best way forward. But those negotiations never included Gibraltarians or their chief minister, Peter Caruana, who said he would only take part if given the right to veto a deal he disliked. It was Mr Caruana who called the referendum and led the "no" campaign that triumphed so conclusively last night after 17,900 people voted against co-sovereignty and only 187 voted for it. ... The rejection comes as the UK government's policy on the future of Gibraltar was denounced as unrealistic, deplorable and representing a serious breach in accountability to parliament, in a report from the Commons foreign affairs committee. MPs concluded that the government must have known it was walking down a blind alley by agreeing to negotiate with Spain over Gibraltar. The committee concluded that the government's tactics "had ended with the worst of all worlds - the dashing of raised expectation in Spain and a complete loss of trust in British government by the people of Gibraltar". The report also condemned the Foreign Office's failure to confirm to parliament its offer on joint sovereignty." [1295]

1291 *UN Doc A/57/461.* UN General Assembly has never defined the Falklands question as a special and particular case.

1292 *UN Doc A/57/461:Letter dated 19 December 2002 from the Permanent Representative of the United Kingdom ... addressed to the Secretary-General*

1293 *A/AC.109/2003/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

1294 In a huge turnout, 98.97% of Gibraltarians voted against. Although Britain's Labour Government had said it would not recognise the referendum (it had wanted to set its own question); the result was sufficiently overwhelming as to defeat any further moves towards shared sovereignty. Unlike the previous Gibraltar plebiscite of the 1960's, the UN made no comment in relation to this referendum, neither accepting nor rejecting it. *cf.* 1967

1295 *The Guardian* November 8, 2002

November 8th, in the Falklands, some 217 British veterans of the 1982 war, together with next-of-kin, arrive.

November 9th, during a four day visit to the Falklands, Prince Andrew lays wreaths at San Carlos and the Argentine Military Cemetery near Fish Creek. [1296]

November 11th, at the UN, with no recommendation from the Special Committee on Decolonization for the adoption of its resolution, the General Assembly defers the question of the Falklands for another year. [1297]

The planned South Atlantic Fisheries Commission meeting is postponed due to an Argentine labour dispute.

In **December**, at Stanley, Howard John Pearce takes over as Governor.

December 20th, Prime Minister Tony Blair, in his annual end of year message to the Falklands, recalls the 20th anniversary of the 1982 conflict and refers to the Islands' future.

> *"The Falkland Islands have a bright future. This year the international community has seen that the Falklands is a prosperous, vibrant and self-confident community. Your new Governor has spoken of an entrepreneurial spirit in the Islands — of new opportunities, and of young people eager to return after completing their education in the United Kingdom. You recognize the importance of economic diversification.*
>
> *The Islands Plan provides an admirable strategy for the continued development of a sustainable economy, protection of the environment, and improvements to your quality of life You have achieved so much in recent years and I am sure that your prudent management of affairs will continue to provide a secure platform for future generations..."* [1298]

2003 – January 3rd, Argentina issues its annual press release, with an accompanying letter to the Secretary-General of the United Nations.

> *"On 3 January 1833, British forces seized the Malvinas Islands, expelling their inhabitants and the Argentine authorities established there. Today, on the 170th anniversary of that illegal occupation, the Argentine people and Government reaffirm the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas. The Argentine Government recalls the steadfast and permanent objective of the Argentine people, enshrined in the National Constitution, to recover the full exercise of sovereignty over the above-mentioned territories and maritime areas through peaceful means for the settlement of disputes in accordance with international law, respecting the way of life and the interests of the inhabitants of the islands. On this latest anniversary, the Argentine Government reaffirms its conviction that the resumption of negotiations on the sovereignty issue, in accordance with the multiple and constant appeals of the international community, will contribute to the establishment of a framework conducive to achieving a fair and lasting solution to the dispute. Argentina is acting in the belief that the numerous interim understandings reached with the United Kingdom under the formula of safeguarding sovereignty rights in relation to practical issues in the South Atlantic are also contributing to the search for a solution to the dispute."* [1299]

1296 Prince Andrew had served as a helicopter pilot during the 1982 Falklands War.

1297 *UN GA Decision 57/511*. See also *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2002 A/57/23. cf.* 1989

1298 *A/AC.109/2003/17 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 20 May 2003*

1299 *UN Doc A/57/704: Letter dated 3 January 2003 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

Anticipating the message, Britain's Embassy to the UN informs the Secretary-General that the UK rejects Argentina's claims; *"... as unfounded..."* [1300]

January 10th, at Port Stanley, five cruise ships arrive on the same day, discharging some 2,000 tourists.

Britain's Ambassador to Argentina visits Port Stanley for two days.

"A British Foreign Office official in Port Stanley has denied that the British Ambassador to Argentina, Sir Robin Christopher, recently made a 'secret' visit to the Falkland Islands. First Secretary and Deputy Governor Russ Jarvis, said that the short two days visit to the Islands by the British Ambassador, 'had been made known both to elected Councillors and the press', prior to the Ambassador's arrival in the Falklands. Sir Robin Christopher is the first resident British Ambassador to Argentine, after taking up the appointment, to visit the Islands since the 1982 Falklands War. Further 'mystery' surrounded the previously unannounced visit of Sir Robin Christopher when details for a planned open press conference with him at Government House were suddenly altered. Local journalists were informed, on the eve of his departure, that the British Ambassador had requested that everything he said at the press conference would be 'off the record' and therefore not for publication. Most of the journalists, surprised by his decision, failed to attend the proposed conference." [1301]

February 22nd, Argentina celebrates 99 years in Antarctica; *"On February 22, 1904, a group of Argentines began managing the Weather and Magnetic Observatory in Laurie island, belonging to the South Orkney (group), that had been originally established by a Scottish expedition. Since then the observatory has been running uninterruptedly becoming the oldest station in Antarctica and confirming Argentina's early and historic presence in Antarctica, according to reports in the Argentine press."* [1302]

Baroness Margaret Thatcher is appointed Patron of the Falkland Islands Association.

"She has expressed delight at the Association's invitation, which conics twenty years after she was given the Freedom of the Falkland Islands. The decision to invite her to be Patron of the Association was conveyed to her by its Chairman, Sir Rex Hunt, who as Governor of the Falkland Islands in 1982 established a close personal rapport; with the Prime Minister during the campaign. ... The Association exists to support the people of the Falkland Islands in their wish for self-determination, free from the threat of Argentina's claim to sovereignty."[1303]

March 8th, in the Falklands, twenty Argentine next-of-kin arrive; the first such visit for two years.

March 16th, *The Los Angeles Times* newspaper reports that an expedition led by *National Geographic* to locate the wreck of the ARA *Belgrano*, has been defeated by bad weather.

The planned South Atlantic Fisheries Commission meeting is postponed due to an Argentine labour dispute. [1304]

April 4th, in the Falklands, *Penguin News* reports; *"The Falklands should return to Argentina, claimed political analyst Simon Jenkins in an Argentine newspaper La Nacion. The British journalist commented, "I've always believed that the administration of the Falklands by Argentina is the best solution for all sides, but with the current situation I fear this won't happen in my lifetime," said Mr Jenkins. He added, "This type of colonialism is totally anachronistic"."*

1300 *UN Doc A/57/708: Letter dated 3 January 2003 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*

1301 *MercoPress: South Atlantic News Agency* January 29, 2003. One of the subjects discussed, apparently, was the construction of a new cemetery which the Ambassador had taken an interest in.

1302 *Penguin News* February 28, 2003. As ever, it was not that simple. *cf.* 1903 & 1904

1303 *Penguin News* March 7, 2003

1304 *A/AC.109/2003/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

April 8th, Argentine newspapers *La Nacion* and *Clarin* report that the Argentine airline *Aerolineas Argentinas* has approached the British Government with a proposal to commence a twice-weekly air link between Stanley and Buenos Aires. [1305]

"No councillor here will agree to Aerolineas flying to the Islands and nor will the public, and that will be an end to that." [1306]

April 27th, Nestor Carlos Kirchner wins Argentina's Presidential elections.

"Councillor Norma Edwards views the election of a new president in Argentina as an opportunity for the country to adopt a fresh approach to the Falkland Islands. Nestor Kirchner will be sworn in as president of Argentina on May 25, having won an election by default when Carlos Menem withdrew from the race. Councillor Edwards told Penguin News. "The message I have for him is... look at the whole situation again, come to your senses and drop the claim; and then we can live as neighbours should do... He could into come up with a sensible idea that we would agree to". She added, "As it happens I think he has enough to think about in his own country without worrying about us. And he hasn't made the Falklands into a campaign issue anyway"." [1307]

May 19th, UK postcodes are given to the Falkland Islands – FIQQ 1ZZ; South Georgia and the South Sandwich Islands – SIQQ 1ZZ; and the British Antarctic Territory – BIQQ 1ZZ.

"The new postcode being introduced today will help reduce delays in the direction of mail to the Islands. Falkland Islands inhabitants often find that their letters have transited the postal systems of places such as the Faroe Islands, Iceland or the most popular destination for lost Falkland's mail, Falkirk in Scotland." [1308]

May 20th to 22nd, in Anguilla, a UN Special Committee on Decolonization seminar convenes.

"In agreement with the United Kingdom, for the first time in history, the Seminar will take place in a Non-Self-Governing Territory and will be hosted by the Government of Anguilla. The Seminar is conducted within the framework of the Second International Decade for the Eradication of Colonialism (2001-2010) and will focus on practical steps to advance the decolonization process in the Caribbean and Bermuda.... The participants will include the delegation of the Special Committee and other United Nations Member States, representatives of the administrating Powers, elected representatives of the Non-Self-Governing Territories and a number of experts in decolonization in the Caribbean." [1309]

May 25th, in Buenos Aires, during his inauguration speech, Argentina's new President Nestor Kirchner says; *"We come from the south of the country, the land of Malvinera culture and ... will sustain our claim of sovereignty over the Malvinas Islands."*

"... shortly after taking office (Kirchner) commissioned a first public opinion poll from the consultant Artemio López. The President wanted to know what Argentines thought about key issues for his future management, and one of his unknowns was to know how much the sovereignty of the Malvinas Islands mattered. The result did not surprise him: seven out of ten consulted gave "high importance" to the recovery of the southern archipelago. ... The administration of Dr Kirchner, identified as courses of action for the Malvinas case from

1305 The proposal was rejected.

1306 Councillor Mike Summers quoted in *Penguin News* April 11, 2003

1307 *Penguin News* May 16, 2003. In fact, ex-Governor of Santa Cruz, Nestor Kirchner had emphasised Argentina's territorial claims during the presidential campaign. His opponent, Carlos Menem, gave up the contest in the second round.

1308 Bill Rammell, Foreign Office Minister, quoted in *Mercopress* May 19, 2003

1309 *UN Press Release GA/COL/3076 May 19, 2003.* Worth noting in light of later comments by Argentina, that attendees include the 'elected representatives of the NSGTs.

2003 onwards: 1) Respect the understandings reached between 1989 and 1999 on the disputed territories and maritime spaces. 2) Maintain a fluid dialogue with the United Kingdom on all matters pertaining to the South Atlantic, including the sovereignty dispute. 3) Consider that the British unilateral actions are contrary to the subscribed understandings and are not provided for therein. 4) Promote a solution to the sovereignty dispute based on dialogue and cooperation, bearing in mind the interests and ways of life of the inhabitants of the Islands." [1310]

"Almost two decades after the 1982 war, a decade of thawing Anglo-Argentine relations, and the end of an economic and political crisis, the Falkland - Malvinas Islands were not on the list of priorities of Argentine society or its ruling class. However, they were still an effective instrument in the hands of the state, as a device of unification and mobilisation of society, especially at a time when it had to rebuild its political legitimacy and had the material resources to carry this out." [1311]

"Kirchner's assessment of the Malvinas issue was that the meagre results obtained during ten years of the Menemist government, plus the inertia that continued under the De la Rúa and Duhalde governments, had not led to progress in solving the controversy over the sovereignty of the Malvinas. Quite the contrary, they had consolidated the British position in the use of resources in that region in terms of fishing, hydrocarbons and communications, and increased the leading role that had been granted to the islanders." [1312]

Lord Williams of Mostyn, attending the inauguration as the UK's representative, tells the media in Buenos Aires that the negotiations that Argentina is demanding are simply *"not on offer."*

Press reports reveal the new President's intention to ignore the Islanders and only deal with Britain. [1313]

Argentina's Education Ministry is ordered to consider the question of the Falkland Islands when forming its educational policies. [1314] Additionally, Argentina's Central Bank announces that all credit card transactions made with Argentine credit cards in the Falklands, South Georgia or the South Sandwich Islands have to be denominated in pesos, and include the Spanish place name for the area where the transaction is effected. The result of this is that Argentine credit cards are no longer accepted in those British Overseas Territories.

On the same day, *The Guardian* newspaper reports;

> *"It was one of the most bitter controversies of the Falklands war: the sinking of the ageing Argentine cruiser the General Belgrano, with the loss of 323 lives by a British submarine as it steamed out of the British maritime exclusion zone. It was regarded by some as a war crime. Now,… the commander of the Belgrano has broken a 21-year silence. He admits he had not only been commanded to attack the British fleet wherever he encountered it but was also 'anxious to pull the trigger'.*
>
> *Captain Héctor Bonzo also admits that, far from retreating from the British Task Force as he sailed west with two accompanying destroyers, his change of direction was a temporary manoeuvre. … 'Our mission in the south wasn't just to cruise around on patrol but to attack,' says Bonzo in a previously unseen interview. 'When they gave us the authorisation to use our weapons, if necessary, we knew we had to be prepared to attack, as well as be attacked. Our people were completely trained. …*

1310 Pereyra & Argento 2016
1311 Mira and Pedrosa 2021
1312 Romero 2020
1313 Argentina now tries to forget that there had been a decade during the Menem presidency when the Islanders were not only recognised , but actually talked to, considered and consulted. Kirchner brought that to an end. A bipartisan approach that continues to this day (2025).
1314 *Malvinas in the University – 2012 Essay Contest* published March 27, 2013

The surviving crew scrambled into life rafts to endure ocean swells, gusting winds and frigid sea temperatures. Rescue ships saved more than 700 men in what has been described as one of the most difficult rescue operations in naval history. Despite the rescue effort, some men died of exposure or injuries, bringing the total loss of life to 323 out of the 1,093 on board." [1315]

June 10th, Argentina issues another annual press release on its "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector." [1316]

"On 10 June, the 'Day of Affirmation of Argentine Rights over the Malvinas, islands and the Antarctic Sector', the Argentine Nation commemorates the creation of the Political and Military Command for the Malvinas Islands and adjacent islands as far as Cape Horn in the Atlantic Ocean. The Command was created in 1829 through a decree issued by Brigadier Martín Rodríguez, Acting Governor ..." [1317]

June 16th, in New York, the Special Committee on Decolonization commences its annual consideration of the Falklands question. [1318] Elected representatives from the Falkland Islands, Mike Summers and John Birmingham; *"... again asked the Special Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination..."* [1319]

"The activities and actions of Argentina stand in the way of Falkland Islanders entirely running their own affairs, emphasised Councillor Mike Summers at the United Nations Committee of 24 meeting on Monday. He added, "Argentina actually seeks to frustrate self-government in the Falkland Islands. It tries to prevent Falkland Islanders representing themselves in international bodies and at trade fairs, at which we are perfectly entitled to be represented, protesting regularly to the UK Government, and to other host governments and organisations, about our presence." He said such actions were contrary to the notion of fostering internal self-government for the peoples of the world which, "...we note this committee has as one of its key goals." ... Councillor Birmingham emphasised resolution 1514, "That all peoples have the right to self-determination, by virtue of that right they freely determine their political status and freely pursue their economic. social and cultural development"." [1320]

Alejandro Betts and James Douglas make statements on behalf of Argentina. [1321] Chile, Bolivia, Cuba and Venezuela, introduce the annual draft-resolution. Making a statement to the Committee, Argentina's Foreign Minister, Rafael Bielsa, says; *"... In his inaugural address, President Néstor Kirchner stressed that he comes from the South of Argentina, bringing with him the Malvinas culture and that he will unwaveringly sustain that policy. ... It is unacceptable that the confrontation between an Argentine military Government and the United Kingdom be invoked by the latter in order to disregard the negotiation on sovereignty, which it had consented to and engaged in between 1966 and 1982, and thus disregarding the General Assembly's resolutions."* [1322]

The Special Committee on Decolonization adopts the draft-resolution without a vote. [1323]

1315 *Belgrano Crew Trigger Happy* in *The Guardian* May 25, 2003
1316 *UN Doc A/Ac.109/2004/12*
1317 *UN Doc A/AC.109/2004/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1318 *UN Doc A/58/23*. Also working paper *A/Ac.109/2003/17*
1319 *UN Doc A/58/408: Letter dated 30 September 2003 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*
1320 *Penguin News* June 20, 2003
1321 *UN Yearbook 2003*
1322 *Ibid.* Also working paper *A/Ac.109/2004/12*
1323 *UN Doc A/Ac.109/2003/24*

"In June 2003, Foreign Minister Dr. Rafael Bielsa greeted cordially with the representatives of the islanders at the United Nations Decolonization Committee in New York." [1324]

"Speaking after the adoption of the resolution, the representative of Antigua and Barbuda said that the draft resolution did not refer to the principle of self-determination and there had been no mention of the three options in the course of the discussion. He noted ... that the Committee should differentiate between self-determination and sovereignty since the Committee had no mandate to consider sovereignty issues. .... The representative of Papua New Guinea said that while his delegation had joined the consensus resolution, it had the same questions as the representatives of Antigua and Barbuda and Grenada regarding the Committee's mandate." [1325]

"The elected representatives of the Islands once again expressed their own views clearly when they visited the United Nations for the debate in the United Nations Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on 16 June 2003. ... They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands and wished the new Argentine administration well after the recent change of Government. ..."[1326]

June 30th, at the end of the Falkland Islands financial year; *"In 2002/2003, the revised estimate for total revenue was 48.7 million British pounds, of which more than half (£25.4 million) came from fisheries. Other sources of revenue were taxation (£5.2 million), investment income (£3 million) and those derived from public works (£4.3 million). During the same period, the revised estimate for total expenditure was £46.9 million."* [1327]

July 3rd & 4th, in London, the South Atlantic Fisheries Commission holds its 23rd meeting.

"In 2003 we analysed that the agreements - signed by another Government - were not balanced and only contributed to the fact that the de facto situation, that is, British jurisdiction over waters and fishing resources, would continue unchanged. This situation was aggravated by the issuing of fishing permits by the usurping colonial authority." [1328]

July 13th, during a visit to the UK, Argentine President Néstor Kirchner has a 25 minute meeting with Prime Minister Tony Blair; *"... during the conversation with the British Prime Minister, I reiterated the commitment of the Argentine people to the question of the sovereignty of the Malvinas Islands and that Argentina wishes urgently to resume negotiations ..."*

"Previous to the meeting President Kirchner and his cabinet chief Mr. Alberto Fernández stressed to the Argentine press covering the event that recovering sovereignty over the Falklands is one of the current administration's main foreign policy objectives as well as curtailing the "excessive number of licences granted by the Falklands government to third parties." Apparently Argentina will be making a formal diplomatic protest regarding Falklands' fisheries licences." [1329]

"President Kirchner told Mr Blair he intends to continue pursuing claims for sovereignty over the Falkland Islands. He also expressed concern over the large number of fishing permits the Falklands Government issues to third countries, which he said represents important economic losses for Argentina. ... When he touched on the Falklands fishing issue, Kirchner said the region was experiencing excessive economic growth and

1324 Pereyra & Argento 2016
1325 *UN Yearbook 2003*
1326 UN Doc *A/58/408: Letter dated 30 September 2003 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*
1327 *A/AC.109/2004/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1328 Foreign Minister Rafael Bielsa quoted in Romero 2020
1329 *Mercopress: South Atlantic News Agency* July 14, 2003

Falkland Islanders were destroying the fishing ground. ... The Argentine government says the fishing permits the Falklands issues for Japan, Korea and Taiwan represent losses of USDS 100 million a year for Argentina, ..." [1330]

July 25th, in Argentina, former Navy Captain Alfredo Astiz is, once again, arrested in connection with an international Spanish warrant. This follows a decision by the new Argentine government to revoke laws banning such extradition.[1331]

"International arrest warrants were issued by French, Spanish and Italian judges against Astiz, nicknamed the 'angel of death' by dirty-war survivors for his fairhaired good looks. The former navy officer is also wanted in Sweden for the kidnapping and disappearance of Swedish-bom Dagmar Hagelin in January 1977. Astiz was sentenced in absentia by a French court to life in prison for the kidnapping and disappearance of nuns Alice Domon and Leonie Duquet. In 2001, Italy requested his extradition in connection with the disappearance of three of its citizens, but was turned down" [1332]

August 4th, Jorge Lapeña, a former Argentine Energy Sectretary, is quoted in *Clarin* newspaper; *"The prospect of a promising oil future for the Falklands has to be approached as likely and therefore must necessarily be included in ... the permanent and priority agenda of our sovereignty rights over the Islands. ... in defence of national (Argentine) interests we must adopt the hypotheses of the likely existence of such wealth to sustain the claims over which by history we have full rights."*

September 25th, at the UN, President Kirchner addresses the General Assembly.

> *"We strongly advocate a peaceful settlement of international disputes, particularly in a matter as dear to our feelings and interests as the sovereignty dispute with regard to the Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas. We value the role of the United Nations Special Committee on Decolonization and express our fullest willingness to negotiate in order to conclusively settle this long-standing dispute."*

September 30th, in exercising a right of reply to President Kirchner's address, the UK confirms; *"... we wish to recall that there is nothing in the 1999 joint statement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland islands, South Georgia and the South Sandwich islands. ... we remain committed to the right of the people of the Falkland Islands to determine their own future."* [1333]

Seven representatives of the Falkland Islands Government, and business sectors, visit South Korea at the invitation of a Korean fishing association. [1334] From South Korea, the delegation move on to Japan.

October 6th, In New York, the UN's Fourth Committee begins its annual consideration of the work of the Special Committee on Decolonization. Peru, Cuba and Venezuela make passing mention of their support for Argentina's claims to the Falklands. Uruguay's representative, Susana Rivero, tells the Fourth Committee that the member States of Mercosur; *"... were profoundly affected by that problem, which was irregular and unjust towards Argentina and had a negative effect on peace in the region."* [1335]

1330 *Penguin News* July 18, 2003

1331 The Officer who had surrendered South Georgia in 1982. Arrested, not for the first time, but yet again, Astiz would avoid extradition.

1332 *Penguin News* August 1, 2003

1333 UN Doc *A/58/408*

1334 *Penguin News* October 10, 2003. The purpose was to explain forthcoming changes to the Falklands fisheries polices.

1335 *Fourth Committee Press Release GA/SPD/259* October 6, 2003. Mercosur is otherwise known as the Southern Common Market. A trade bloc established in 1991 between Argentina, Uruguay, Brazil and Paraguay.

"In his statement at the 2nd meeting of the Fourth Committee of the General Assembly, on 6 October 2003, the representative of the United Kingdom said that his Government welcomed the opportunity, as an administering Power, to bring the Committee's attention to a number of significant developments that had taken place during the year. ... The representative said that the United Kingdom had the impression that there was no strong desire in its Territories to choose the path of independence, even though his Government had made it clear that it would give encouragement where independence was an option. The key, therefore, as long as the Territories chose to retain their link with the United Kingdom, would be to try to reconcile their desire for greater autonomy and self-government with the United Kingdom's responsibility to ensure good governance, to protect the impartiality of the public service and the independence of the judiciary, and to ensure compliance with relevant international obligations. At the meeting, the representative of the United Kingdom spoke in exercise of the right of reply in response to statements by the representatives of Peru, Uruguay and Venezuela concerning the sovereignty of the Falkland Islands (Malvinas). He said that his country's position was well known" [1336]

With no recommendation from the Special Committee on Decolonization, their Falklands resolution is not sent to the General Assembly for adoption. [1337]

October 10th, Argentina's newly appointed Ambassador to the UK, Frederico Mirre, is interviewed by *MercoPress*.

Asked to clarify Argentina's policy towards the Falkland islands under the Nestor Kirchner presidency, Mirre responds; *"Well, I have to receive my instructions but basically it is a continuation of our efforts to reach a point where we can have bilateral discussions on the issue of sovereignty. It is a key element in Argentina's foreign policy with the United Kingdom. Additionally it is to improve the quality of our relationship with the Islands and with the Islanders and I would say to find ways of improving also the views we have either in common or separately on the national resources specifically oil and fisheries. ... The problem of self-determination is not the case in the case of Malvinas. The basic issue is the integrity of the Argentine territory and in that sense that is the first principle that has to be discussed, not self- determination. ..."*

October 20th, from Argentina, in a letter to the UN's Secretary-General, Argentina once again rejects the UK's proposals for changes in the white paper – '*Partnership for Peace and Prosperity: Britain and the Overseas Territories'*. [1338]

On the same day, in Buenos Aires, Sir Michael Jay, Permanent Undersecretary of the Foreign Office holds talks with Jorge Taiana, Argentina's Foreign Affairs Deputy Secretary. The discussions cover plans for a new memorial to Argentina's dead at the Military Cemetery near Fish Creek, and landmine removal.

October 27th, in Buenos Aires,, at an Argentine British Conference, Michael Portillo MP tells the floor that sovereignty negotiations should be left to one-side; *"There is no reason to talk about it (sovereignty). It's very clear, twenty-one years have gone by and it's very clear Argentina is not going to change its mind and it s clear the British position will be maintained in the long-term. That British position is also that it is the Islanders who decide what will become of them..."*[1339]

1336 *UN Doc A/AC.109/2004/12 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 April 2004*

1337 The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no significance unless adopted by the General Assembly.

1338 *UN Doc A/58/527.* Despite these already having been implemented.

1339 Portillo quoted in *Penguin News* October 31, 2003

November 3rd, Argentina threatens to withdraw permission for charter flights to the Falklands to over-fly Argentine airspace. Buenos Aires demands that there should be negotiations on scheduled flights directly from Argentina, but state that they will not accept the presence of an Island representative at the talks.

"The point of maximum friction came in November 2003, when after several unsuccessful attempts to achieve change, the Foreign Ministry informed Great Britain that it would no longer authorize – as was almost a custom of form – requests for extraordinary charters between Punta Arenas (in Chile) and the islands, if it was not accepted that there are also direct flights from an Argentine airline." [1340]

"Air links between the Falkland Islands and the South American mainland are the subject of two understandings reached between HMG and the Argentine Government, ... Following the UK/Argentine Joint Statement of July 1999, LAN Chile resumed its weekly flight between Punta Arenas (in southern Chile) and the Falkland Islands. Once a month this flight makes a stopover in each direction in Rio Gallegos (in southern Argentina). In February 2001 a further understanding was signed to permit private flights. Under these arrangements aircraft, including Argentine aircraft, can undertake private flights between Argentina and the Falkland Islands. These arrangements continue in place ... In recent years there have also been a number of charter flights to the Falkland Islands, mostly originating in Chile and servicing tourist cruise ships. These charter flights are not covered by either of the two understandings described above. They require permission to use Argentine airspace between Chile and the Falkland Islands. Until this season Argentina has not raised any difficulties with these charter flight authorisations, though it had periodically indicated that it would wish to review the situation at some point. On 3 November 2003, without warning, Argentina announced the suspension of permission for charter flights to use Argentine airspace and proposed that a scheduled air service between Argentina and the Falkland Islands by an Argentine carrier be put in place. The weekly LAN Chile scheduled flight was not affected by this announcement. We made clear to Argentina that while we were prepared to enter into discussions about ways of building on existing arrangements for air links between the Falkland Islands and the South American mainland, any future arrangements must be acceptable to the Falkland Islanders, and that the Falkland Islanders were not prepared to accept a scheduled service by an Argentine carrier. We also made clear that such discussions needed to take place against the backdrop of charter flight authorisations proceeding normally. Regrettably, despite considerable efforts it has not been possible to reach agreement with the Argentine Government on opening talks on air services on acceptable terms. ... The cancellation of the charter flights will obviously have some negative impact on the tourist industry in the Falkland Islands. However, Falkland Islanders believe that there are principles at stake here which outweigh short-term economic costs. We respect and agree with that view." [1341]

"During the governments of Néstor Kirchner (2003–2007) .., the policy regarding the conflict in the Falkland Islands (Malvinas Islands) once again prioritized the multilateral forums ... First of all, the Argentine government adopted unilateral measures. In this line of action, when the Chilean company LATAM requested authorization to carry out charter flights between Punta Arenas and the Falkland Islands (Malvinas Islands) in 2003, the request was denied and, in exchange, the Argentine government offered direct flights between the continent and the islands, which was rejected by the British." [1342]

"... the Argentine Republic would not authorize non-scheduled flights between third countries and the Malvinas Islands operated by third-party companies. With this decision, communication by ship from Chile, Brazil, but especially from Uruguay, was suspended. This measure does not apply to regular flights covered by the Joint

1340 Pereyra & Argento 2016

1341 Baroness Symons, Minister of State, Foreign and Commonwealth Affairs in *HL Deb 19 January 2004 vol.657*

1342 *Åland Islands: lessons for the conflict of the Falkland Islands (Malvinas Islands)?* S. G. Eissa 2019 in *Vestnik of Saint Petersburg University. International Relations* 2019 vol.12 issue 2

Declaration of July 14, 1999, nor to private ones covered by the Agreement for the Exchange of Notes of February 23, 2001. This last agreement grants the possibility of charter flights approved from Argentine territory, specifically authorized." [1343]

November 5th, in New York, at the UN; *"By decision 58/511 of 5 November, the Assembly deferred consideration of the item on the Falkland Islands (Malvinas) and included it in the provisional agenda of its fifty-ninth (2004) session."* [1344]

November 11th, in a letter to the UN, Argentina claims that 'territorial integrity' is the principle to be applied to the question of Falklands sovereignty, and not that of 'self-determination'. They then quote General Assembly resolution 2065 (XX). [1345]

"... which called on both countries to resume bilateral negotiations with a view to finding a just, peaceful and definitive solution to the sovereignty dispute,.." [1346]

Argentina also asserts that the Falkland Islanders' who addressed the Special Committee on Decolonization in June, did so only; *"... as petitioners, without the representative status claimed by the United Kingdom ..."* [1347]

November 18th, in a further letter, this time addressed to the President of the United Nations General Assembly, Argentina rejects the UK's assertion that the Falkland Islanders have a right of self-determination and; *"... reaffirmed the need to apply the principle of territorial integrity to the special and particular colonial situation of the question of the Falkland Islands."* [1348]

December 4th, Argentina's National Congress adopts law *25,860* declaring July 16 every year as the *Day of Argentine Interests at Sea*. [1349]

"In recognition of the contributions made by Admiral Segundo Storni (1876-1954), co-founder of the Argentine Oceanographic Institute of Mar del Plata who warned about the riches of the Argentine sea amd its relevance for national development. Storni focused on the Falkland Islands, the Argentine Antarctic, the Territorial Sea and the continental-shelf." [1350]

1343 Caviasca 2018

1344 *UN GA Decision 58/522*. See also *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2003 A/58/23*. This was the last year that the General Assembly formally deferred this item before procedural changes in 2004. *cf.* 1989 & July, 2004

1345 Although listed every year in the Special Committee's resolution on the Falklands, resolution *2065 (XX)* had been dropped from General Assembly resolutions after 1984. President Kirchner's 2003 strategy was to resuscitate resolution *2065 (XX)* and give it renewed prominence in an attempt to rouse previously mundane Special Committee sessions for domestic consumption. Bull and bluster for the Argentine masses. However, without the endorsement of the UN General Assembly, the Decolonization Comittee carries little weight.

1346 *UN Yearbook 2003. cf.* 1965, August 1982, 1984 & 1985.

1347 *UN Doc A/58/602.* In 1982, the then Chair of the Special Committee on Decolonization had recognised those Members of the Falklands Legislative Council who had arrived at the United Nations, as the representatives of the *people* of the Falkland Islands. Complaints at that time had been swept aside with a reference to precedent. It seems to have taken Argentina 20 years to realise that such recognition did not operate in their favour.

1348 *UN Yearbook 2003.* "*Special and particular*" was a phrase that did not appear in Special Committee draft resolutions until 1989. One year after the last UN GA resolution in 1988.

1349 Gazetted January 14, 2004. The date commemorates the birth of Admiral Storni. Does not seem to have gained much support.

1350 *Duro intercambio con Chile sobre Malvinas y el Atlántico Sur* in *Urgente 24* August 9, 2023

December 5th, following press speculation that the UK fleet carried nuclear weapons in 1982, Argentina's government demands; *"... convincing assurances that there are no nuclear weapons, of any kind or under any circumstances in any part of the South Atlantic, including in sunken vessels and on the seabed ..."* [1351]

Argentina's Foreign Ministry issues a press release.

> *"Expressed its concern on several occasions in various international forums regarding the possibility, which has now been confirmed, that the United Kingdom had brought nuclear weapons into the South Atlantic. The Government of Argentina considers it most regrettable that the United Kingdom disregarded the objections made at that time by Argentina about the situation. The episode, which has now been acknowledged by the United Kingdom Government, is of the utmost seriousness. The action in question could have had terrible consequences for the population, natural resources and environment of the region. It is therefore unacceptable to try to justify it on logistical grounds, as part of an operation to maintain the colonial situation in the South Atlantic.*
>
> *The Government of Argentina calls on the United Kingdom Government to supply detailed and complete information on the facts that have come to light, and demands that it should provide convincing assurances that there are no nuclear weapons, of any kind or under any circumstances in any part of the South Atlantic, including in sunken vessels and on the seabed ...*
>
> *The Government of Argentina, in accordance with its consistent policy against nuclear weapons, both in terms of their use and the threat of their use, intends to raise this matter before the relevant international bodies.*
>
> *The Government of Argentina rejected the United Kingdom's territorial expansion in relation to the Malvinas Islands, South Georgia, the South Sandwich Islands and the surrounding maritime areas when it signed and ratified Additional Protocols I and II to the Treaty of Tlatelolco. Similarly, Argentina rejects the distinction drawn by the United Kingdom between the Argentine mainland and the Malvinas Islands ..."* [1352]

"The Ministry of Defence admitted for the first time last night that British ships carried nuclear weapons in the Falklands war. The disclosure came as the government was forced to concede... that seven nuclear weapons containers were damaged during a series of wartime accidents. But many of the details of these accidents are still being kept secret by the MoD. The ministry also refused to say whether any nuclear depth charges were on board HMS Sheffield, which was sunk during the war. The ministry insisted that there was never any intention to use the weapons during the war and that their presence did not break any disarmament treaties... The MoD insisted that the nuclear weapons never entered the territorial waters of the Falkland islands or any South American country." [1353]

In Buenos Aires, the British Embassy makes a statement.

> *"As categorically stated by ministers before Parliament in 1982, the use of nuclear weapons in the conflict was not considered at any point. During the cold war, British navy vessels were routinely*

1351 The introduction of nuclear weapons into Latin America and the Caribbean were prohibited under the *Treaty of Tlatelolco* of 1967. Britain had ratified the protocols to this treaty in 1969 but it should be noted that Argentina did not ratify its own signature until 1994 and could not therefore claim any protection for events before that year. *cf.* 1967, April 1982 & October, 1986

1352 *UN Doc A/AC.109/2004/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

1353 *The Guardian* December 6, 2003, *cf.* 1982

equipped with nuclear depth charges to use against submarines. However, the United Kingdom always observed its international commitments, including those covered by the Treaty of Tlatelolco. We can confirm that no vessel equipped with nuclear weapons entered the territorial waters of Argentina or the Falkland Islands. … All weapons were accounted for and were in good condition when the fleet returned to the United Kingdom. No weapons were lost, and the British vessels that were sunk were not carrying nuclear weapons …" [1354]

December 7th, Argentina demands an apology from Britain for the presence of nuclear weapons in the South Atlantic during the 1982 Falklands War. Britain rejects the demand. [1355]

"The Governor of the Falkland Islands has responded to demands from the Argentine Foreign Office that Britain apologises for having sent ships armed with nuclear weapons towards the Falklands in 1982 saying. " … it is not at all clear what there is to apologise about." His Excellency, Mr Howard Pearce, told Penguin News, "No treaties were breached, no weapons were lost, no radiation was leaked, no damage was done to the environment. So I don't really think there's anything to apologise for". Late last week, the British Government confirmed nuclear weapons were aboard Royal Navy ships dispatched to the Falkland Islands in 1982. However, the weapons were never brought into South American territorial waters." [1356]

December 8th, in London, Sir Rex Hunt, addressing members of the Falkland Islands Association, warns that there is no time to relax in the Association's support for the Falklanders; highlighting that the government of Nestor Kirchner is attempting to sideline the Islanders.

December 11th & 12th, in Buenos Aires, the South Atlantic Fisheries Commission holds its 23rd meeting. A joint press statement is issued; *"They recommended to both Governments the continuation of scientific research in order to achieve a greater understanding of the most significant offshore species in the area. … The Commission agreed to recommend to both Governments that every effort be made to maintain the level of 40,000 tons of Illex spawning stock biomass at the end of the fishing season, in order to ensure stock sustainability. The Commission recommended to both Governments that workshops on Illex and southern blue whiting should take place as soon as possible in 2004 and before the next meeting of the Scientific Subcommittee."*

"Attempts to persuade the Argentine Government to enter into a long- term fisheries agreement, through the SAFC have repeatedly failed, over the years." [1357]

On the same day, Argentine newspaper *Clarin* announces that the country's fishing fleet is to be encouraged to fish for squid outside the country's 200-mile limit and to the north of the archipelago, in order to: *"… put pressure on the Islanders."*

Argentina's Defence Minister, Jose Pampuro, is reported as saying that he hopes to go to the Falklands at the official opening of the new cemetery, without having his passport stamped.

December 17th, in New York, the General Assembly of the United Nations adopts resolution 58/108 on the '*Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands*.' In a marked change to previous years, operative paragraph 2 is not limited to the territories mentioned in the title, making it of general application.

1354 *UN Doc A/AC.109/2004/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1355 *Chicago Tribune* December 8, 2003
1356 *Penguin News* December 12, 2003
1357 *Penguin News* December 12, 2003

"Reaffirms also that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right;..." [1358]

December 27th, in the UK, interviewed by British newspaper *The Independent on Sunday*, Professor Sir Lawrence Freedman reveals evidence that the Argentine cruiser ARA *Belgrano* was under orders to attack when it was sunk by a British submarine in May, 1982.

2004 – January 3rd, Argentina issues its annual press release, bemoaning the events of 1833.

"*On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities legitimately established there. Today, on the 171st anniversary of that illegal occupation, which is still continuing, the Argentine people and Government reaffirm once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime area."* [1359]

January 9th, in the Falklands, *Penguin News* reports; *"It has been impossible to reach agreement with Argentina over charter flights, Legislative Council has announced. For a number of months, the United Kingdom has sought to reverse Argentina's decision to suspend permission for charter flights to the Falkland Islands to use Argentine airspace, however Argentina has not co-operated ... it was made clear that any future arrangements must be acceptable to the Falkland Islanders, that the Falkland Islanders were not prepared to accept a scheduled service by an Argentine carrier, and that the suspension of charters must be lifted before any such discussions could start ... However the exchanges have not led to agreement with Argentina."*

January 13th, in response to Argentina's annual claim, the UK issues its annual rejection.

"I have the honour to refer to the letter dated 5 January 2004 from the Permanent Representative of Argentina to the United Nations addressed to you (A/58/671), transmitting in the annex thereto the text of a press release issued on 3 January 2004 by the Government of Argentina on the question of the Falkland Islands. The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and South Sandwich Islands and rejects as unfounded the claim by the Government of Argentina to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom" [1360]

In Argentina, the magazine *Gente* reveals that of the 649 names on the memorial in Buenos Aires commemorating the 1982 war, at least 17 had never taken part in the conflict. According to the report, 11 had died in a helicopter crash in Santa Cruz on April 30th, 1982; one had drowned in Puerto Deseado harbour and another had died of pancreas complications in hospital.

January 15th, Britain responds to Argentina regarding the proposal for direct flights from that country to the Falklands archipelago.

"The Falkland Islands Government is wholly opposed to any scheduled flights originating in Argentina or operated by Argentine carriers. The concern would be, based on past experience, that the

1358 *UN Doc A/Res/58/108 A-B*. Argentina's argument that self-determination could not apply to the Falkland Islanders was jeopardised overnight, although it would take Buenos Aires two years to notice. Realisation would lead to an attempt in 2005 to redefine the paragraph's application to those NSGTs covered by this omnibus resolution. That would fail so, in 2008, an attempt would be made to amend it. That also failed. It would be 2016 before Argentina's lobbying was effective in getting rid of the omnibus resolution altogether. *cf.* 2005, 2008 & 2016

1359 *UN Doc. A/58/671*

1360 *UN Doc. A/58/681*

Argentines could not be trusted not to heavily subsidise the flight, to such an extent that it made the LAN Chile flight no longer commercial and caused its withdrawal, following which we would have commercial scheduled flights only through Argentina. This of course is reminiscent of the situation in the 1970's and is unacceptable." [1361]

"LANCHILE refused to qualify the Argentine government's decision to close its airspace to Chilean charter flights to the Falkland Islands. "We continue to operate normally with our regular flights (to the Falklands) since Argentina's restrictions regarding air space only affect charter flights", Lan Express General Manager Pedro Pablo Errazuriz said in the company's main offices in Santiago. Lan Chile is the only airline which weekly flies from the South American continent, Punta Arenas in the extreme south of Chile, to the Falklands. with additional non regular flights during the summer season. "We're not going to comment the Argentine government's measure, what we can indicate is that eleven charter flights were not authorized, while five did get approval in November/ December 2003", added Mr. Errazuriz pointing out that the eleven non authorized flights were scheduled between November 2003 and next March." [1362]

January 19th, in London, Bill Rammell, Parliamentary Under-Secretary of State for the Foreign Office, tells the House of Common; *"The cancellation of the charter flights will obviously have some negative impact on the tourist industry in the Falkland Islands. However, Falkland Islanders believe that there are principles at stake here which outweigh short term economic costs. We respect and agree with that view. Argentina is fully aware of our position and we hope that an acceptable arrangement can be reached in the interests of all parties to resolve the charter flight issue."* [1363]

January 22nd, Argentina's Foreign Minister Rafael Bielsa, is quoted as saying; *"The conflict situation with Great Britain will not disappear until the country retakes control of the archipelago. We'll have 400 years of patience, but the Islands will return (to Argentina)."* [1364]

January 29th, Britain's Foreign Secretary, Jack Straw, informs Parliament.

"Entry requirements for visitors to the Falkland Islands are the responsibility of the Falkland Islands Government and are implemented by the Falkland Islands Immigration Service. All visitors must have a valid passport. A valid visa is also required except by citizens of the UK, USA, Chile, Israel, Japan, Republic of Korea, Hong Kong Special Administrative Region of the People's Republic of China, San Marino, Andorra, Vatican City and countries of the European Community, the EEA, Mercosur and the Commonwealth. Transit passengers do not require a visa if they are continuing their journey immediately. Tourists are required to demonstrate on arrival that they have onward travel arrangements, accommodation and sufficient funds for their visit. A visa national arriving without a valid visa may apply for a visa at the airport on arrival. Individuals arriving without a valid passport would be dealt with on a case-by-case basis." [1365]

In Argentina, on the same day, is published *Malvinas. La cuestión pendiente de los territorios marítimos y sus efectos patrimoniales* by Horacio Solan.

"Until April 1982, the British occupied the Falklands (11,410 km2), South Georgia (3,560 km2), and the South Sandwich Islands (307 km2), with a total island territory of 15,277 km2 and a 3-mile strip of maritime

1361 Parliamentary letter dated January 1, 2004
1362 *Penguin News* January 23, 2004
1363 *HL Deb 19 January 2004 vol.657 cc39-40WS.* For full statement, see November 3, 2003 above.
1364 *Penguin News* January 23, 2004
1365 *HC Deb 29 January 2004 vol.417 cc509-10W*

territory around them. The British occupation was systematic, and today they invade a territory exceeding 3,000,000 km2 in the Southwest Atlantic. Ambassador Horacio Solari refers to it as "a vast maritime area comparable to the land area of the Argentine Republic. It is the largest current territorial dispute on the planet, in quantitative, cartographically verifiable, and qualitative terms".” [1366]

February 16th, from London, Minister Bill Rammell travels to Buenos Aires for discussions.

> *“I held talks on a wide range of international, regional and bilateral issues. The question of air links featured in my talks with the Argentine Foreign Minister, Dr Rafael Bielsa. The talks were frank and constructive and we made some progress. Some proposals were discussed which we each agreed to look at further. These proposals primarily focused on temporary arrangements for charter flights for 2004. I made it clear that any arrangements would need to be acceptable to the Falkland Islanders.*
>
> *Regrettably, shortly following my visit, an article appeared in an Argentine newspaper, giving details of my talks and wrongly asserting that a deal on air links had been agreed. As I have indicated, this was not the case. I spoke subsequently to Falkland Councillors. They concluded that the proposals for temporary arrangements did not meet their concerns. However, they agreed that we should continue to discuss the issue with the Argentine Government with a view to securing a permanent solution to the question of charter flights rather than having further temporary arrangements. We are now taking this forward with the Argentine Government, with the full agreement of Councillors.”* [1367]

“Councillors say the proposals for air links, discussed by British Foreign Office Minister Bill Rammell and Argentine Foreign Minister Rafael Bielsa. "...should not be taken forward," as they stand. In a statement released by Gilbert House earlier this week, councillors said the proposals, "...fall short of the criteria we need to resolve this disagreement. Nevertheless we understand the United Kingdom Government will remain engaged with the Argentine Government on air links, as on other issues". Early this week, the Argentine press reported that the proposals included four Argentine flights per month to the Islands and they would not begin later than the inauguration of the monument at Darwin.” [1368]

“The final bilateral contacts took place on 17 February 2004 between Taiana and Foreign Secretary Rammell, but they did not lead to anything. The central point of the conflict was that the United Kingdom was promoting an "open skies policy", which meant that airlines of any flag could fly to the Malvinas, while Argentina wanted flights to the islands to be carried out by national-flag aircraft.” [1369]

A *Fugro Airborne Surveys* aircraft, contracted to work in the Islands, is refused permission to fly from Argentina, or to pass through Argentine airspace from Chile.

In Stanley, on the same day, a five-day Commonwealth Parliamentary Association annual conference opens.

“Martyn Quayle MHK from the Isle of Man addressed Argentina’s interference with flights to the Falkland Islands in recent months. He said, "It has been a particular pleasure to be here in the Falklands for this conference but it has been with a certain amount of shock and incredulity that we have learned of the continued interference and bloody-mindedness of the Argentine government and its continued efforts to acquire these Islands or to put pressure upon them".” [1370]

1366 *Politica Pesquera para la Soberania Argentina en el Atlantico Sur y Malvinas* Cesar Augusto Lerena 2013

1367 *Written Ministerial Statements Monday 1 March 2004 Column 73WS.* There was a suspicion that the charter flights arrangement would only last long enough to cover the dedication of the new monument at the Military Cemetery.

1368 *Penguin News* February 27, 2004

1369 Romero 2020

1370 *Penguin News* February 20, 2004

February 24th, in the UK, South Atlantic Council (SAC) member, Alastair Forsyth, opines in the *Financial Times* newspaper.

> "*Yet again there is a flare-up in our relations with Argentina. The cause this time is the Argentine ban on charter flights to the Falklands Islands. These incidents will not cease while we continue to leave open the door to negotiations about sovereignty. Neither side has a perfect case, but on the whole the British case is better than the Argentine, and Britain would probably win the day if it ever went to international arbitration.*
>
> *However as a consequence of the UN resolution in 1965, urging the two parties to reach a peaceful settlement of the dispute, each year the two sides (Britain usually represented by Falkland Island councillors) make their presentation to the UN Decolonization Committee. Britain must find a way of bringing this annual performance to an end. It is ludicrous to talk in terms of decolonization when the only obstacle to transfer of sovereignty is the wishes of the Islanders themselves. Britain has frequently in the past sought a formula for transfer acceptable to the Islanders, and this has given added stimulus to the repetition of the Argentine claim.*
>
> *This must end, and we have to make clear that the Falkland Islands and South Georgia and the South Sandwich Islands, all of which Argentina claims, are British and will remain permanently British, except in what Argentina must accept as the extremely unlikely event that the Falkland Islanders opt to become Argentine. Time has moved on. It is unthinkable that we should now do what we did in 1833, sending the Navy to establish our claim to a far off disputed territory. But it is also unthinkable now, in terms of world opinion, that a population should be transferred without its consent from one sovereignty to another. Argentina's foreign minister said in January that the dispute would not end until Argentina recovered the Islands "even if it took 400 years". Britain should make clear that the wait will be very much longer than that."*

In the Falklands, after months of debate regarding plans, construction of a new monument commences at the Argentine Military Cemetery near Fish Creek. [1371]

March 5th, *Penguin* News reports.

"A proposal from the British government for talks to solve the problem of charter flights to the Falklands appear to have been rejected by Argentina. According to Argentine press reports, the British Foreign Office proposed that talks for a definitive flights programme between the continent and the Falklands should begin on April 1. however the proposal "does not satisfy" Argentina, says Foreign Affairs Minister Rafael Bielsa."

March 9th, in Buenos Aires, a claim is laid before Argentina's Civil & Commercial Court.

"Carlos Traboulsi, president of the Buenos Aires City Christian Democrats has presented a 67 billion dollar claim against Britain on behalf of the Argentine people, "... because of the illegal exploitation of the Malvinas since 1833 and the theft of the River Plate Viceroy treasury in 1806". The demand was made before Magistrate Edmundo Carbone of the Civil and Commercial Court in Buenos Aires on Tuesday. "We're seeking 67 billion dollars compensation on behalf of the Argentine people because of the illegal and illegitimate use, usufruct and exploitation by Great Britain of the archipelago since 1833, and the theft of the Viceroy treasury in 1806," said Mr Traboulsi. He added it was "mere coincidence" that the claim was made just 24 hours before Argentina had to repay the International Monetary Fund 3.1 billion US dollars. He said, "We've worked for five years on this demand and it is a complete coincidence that it should come to light as a tool to show the world that Argentines are not only debtors of an illegitimate debt but creditors of the foreign powers that robbed and looted the

1371 See July, 1999 & March, 2002. Inaugurated in 2009.

country". The Christian Democrat leader also called upon the Argentine people to, "...adhere and ratify the claim". Magistrate Carbone must now decide if the claim is viable, and if so must communicate this to the Argentine and British governments. The Argentine government will then have 60 days to decide if it assumes the role of plaintiff of the case instead of the Christian Democrats party." [1372]

"The Argentine government under the presidency of Nestor Kirchner did not want to continue the trial and the judge filed the case. Despite the efforts made, the Argentine government did not want to face the United Kingdom in court. Regrettable!" [1373]

March 15th, *Almirante Irizar,* an Argentine naval icebreaker, sails through the FICZ challenging fishing vessels by radio and demanding that they identify themselves.

"On Monday. Argentine icebreaker Almirante Irizar and one of its Sea King helicopters challenged by radio a number of vessels fishing approximately ten miles in the zone, including jiggers and one or two Spanish trawlers. The ship remained in the zone for just under twenty-four hours. His Excellency the Governor, Mr Howard Pearce, says the Foreign Office is waiting for an explanation from Argentina of what the ship and helicopter were doing Falklands fishery patrol vessel Dorado witnessed the ship's activities. Mr Pearce said that, according to Dorado s crew, when the helicopter and Almirante Irizar challenged the vessels, "... what they basically did was ask them to identify themselves." He stressed, "Neither the Almirante Irizar or the helicopter claimed or accused them of fishing illegally"." [1374]

"In March 2004, the Argentine icebreaker ARA Almirante Irízar was carrying out navigation control and fishing vessel identification tasks in the Argentine exclusive economic zone that London claims to be under its control. Our country was carrying out this task within the framework of a fishing season in which it was necessary to take extreme measures to conserve the Illex squid resource." [1375]

March 22nd, in the Falklands, yachtswoman Ellen MacArthur (27) arrives aboard her trimaran *Castorama B&Q* having sailed from New Zealand. Youngest woman to circumnavigate the globe in 2001.

Having failed to receive a satisfactory answer from Buenos Aires regarding the *Almirante Irizar* incident, Britain registers a formal protest.

"On 15 and 16 March 2004 the Argentine naval Icebreaker, "Almirante Irizar" sailed through the Falklands Outer Conservation Zone and the Falklands Interim Conservation Zone. These are areas for which the Falkland Islands Government issue fishing licences. During the time that it was inside these zones, the Argentine vessel was challenging other vessels to identify themselves. While transit of the conservation zones is permissible, the policing of the zones by a foreign vessel contravenes the Falkland Islands exclusive jurisdiction. We asked the Argentine Government for an explanation of the vessel's actions. Their response was not satisfactory. We have therefore made a formal protest to the Argentine Government concerning the actions of the "Almirante Irizar", underlining the need to ensure that this type of incident does not happen again..." [1376]

1372 *Penguin News* March 12, 2004 citing *MercoPress.* Britain was at war with Spain in 1806 when an unauthorised attack took place against Buenos Aires – a Spanish colony. As for 1833, Britain had warned Buenos Aires in 1829 and 1832 that it was trespassing on the Falkland Islands but the warnings were ignored. In October 1832, Buenos Aires had sent a garrison to reinforce its claims. This was peacefully ejected by the British navy in 1833. I can find no further information regarding this case. *cf.* 1806, 1807, 1829 & 1833.

1373 Carlos Traboulsi, in a Twitter response of September 16, 2022

1374 *Penguin News* March 19, 2004

1375 Romero 2020

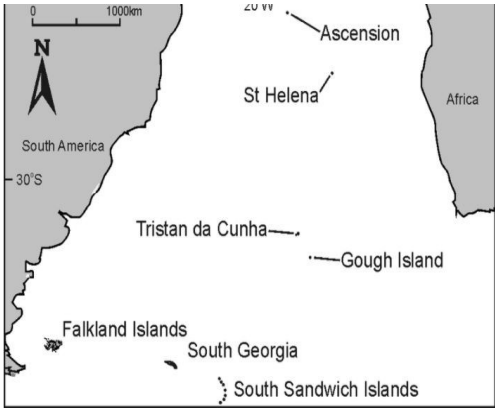
1376 *Written Statements: Monday 29 March 2004: Column WS51- The Minister of State, Foreign and Commonwealth Office (Baroness Symons of Vernham Dean)*

March 30th, Argentina's Foreign Ministry responds to Britain's formal protest; *"The Irizar was engaged in fishing-control operations in waters under Argentine jurisdiction, including the fishing prohibition zone and the area west of this zone, as agreed with the United Kingdom in 1989 and 1990. During its voyage the ship was in contact for security purposes with British ships, in accordance with maritime rules and customs. Given the lack of squid in this season, the Argentine government has taken great precautions to protect fish species, which includes control of illegal fishing."* [1377]

"Despite Argentine press reports to the contrary, Falklands Councillor Stephen Luxton says no official statement has been received regarding the incursion by the Almirante Irizir. He commented yesterday, "As far as the Argentine spokesperson's statement is concerned, it is the sort of arrogant and entirely incorrect statement one might expect from Argentina, which serves only to reinforce our absolute desire to maintain British sovereignty"." [1378]

"The Kirchner administration rejected the London note arguing that the national vessel was carrying out fishing control tasks in Argentine jurisdictional waters, such as ensuring navigation safety and identifying fishing vessels in Argentina's exclusive economic zone." [1379]

April 2nd, in Ushuaia, Argentine President Nestor Kirchner attends a vigil on the anniversary of his country's invasion of the Falkland Islands in 1982.

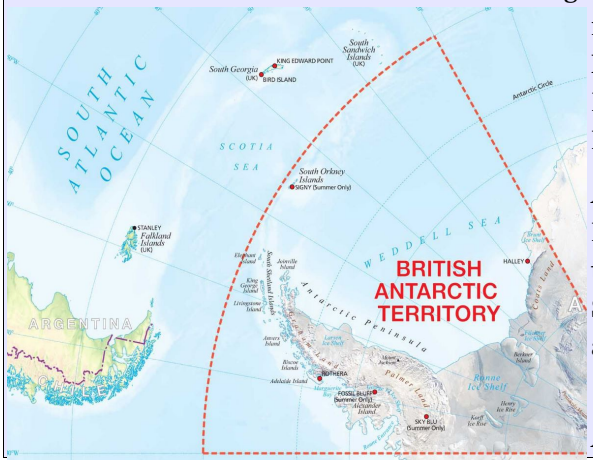


May 1st, British Forces Falkland Islands (BFFI) are renamed British Forces South Atlantic Islands (BFSAI).

"On instructions from my Government, I have the honour to transmit herewith the text of the protest note sent on 8 June 2004 by the Ministry of Foreign Affairs of Argentina to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Buenos Aires concerning the recent modification introduced in the situation of the British military base in the Malvinas ... The Argentine Government considers that the protested measure is in violation of General Assembly resolution 31/49, which calls upon the two parties in the dispute to refrain from introducing unilateral modifications in the situation while the islands are going through the process recommended in the relevant resolutions of the United Nations General Assembly. The Argentine Government also believes that the expansion of the military occupation in the disputed area is incompatible with the letter and spirit of the provisional understandings under the sovereignty formula regarding practical aspects of the South Atlantic, particularly in relation to the implementation of measures aimed at building and strengthening mutual confidence. The extension of the operational sphere of the aforementioned base to areas outside the disputed area aggravates the aforementioned situation and in no way contributes towards the maintenance of peace and security." [1380]

1377 *La Nacion* March 30, 2004
1378 *Penguin News* April 2, 2004
1379 Romero 2020
1380 *UN Doc A/58/840: Letter dated 8 June 2004 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General.* Argentina appears blind to the reality that the greatest breach of UN resolution 37/49 of 1976, was their invasion of the Falklands archipelago.

Researcher's Comment: What's in a name? A great deal perhaps, as this seemingly innocuous change reinforced the fact that the military forces stationed at the Mount Pleasant base in the Falklands were there to protect British interests in a far larger area than that covered by the Falklands archipelago.



As the transfer of the Ascension Island command to the Falklands accompanied the name change, the suggestion is that BFSAI cover everything from around 7° S to 60° S (South Sandwich Islands). Some 53 degrees of latitude or aproximately 3,650 miles.

Whether Britain's sub-Antarctic Islands below 60° S, or it's Antarctic claims were also included, is unclear.

May 2nd, Argentine newspapers report that the ARA *Belgrano* was a legitimate target when sunk in 1982.

"... effectively the General Belgrano and its two destroyer escorts, Piedrabuena and Bouchard were preparing to engage the British Task Force from the south east in a double pronged action combined in the northwest with the deadly Argentine fighter bombers to be launched from the carrier 25 de Mayo. According to the new documents exposed by the Buenos Aires press, the Belgrano and its destroyer escorts had been inside the exclusion zone with the purpose of sinking Royal Navy units, although the combined action with 25 de Mayo had to be aborted because of adverse weather conditions." [1381]

In Buenos Aires, at a ceremony to honour the 323 seamen who died aboard *Belgrano*, Argentina's Defence Minister says that; *"Recovering sovereignty over the Malvinas Islands is an indeclinable (sic) objective of all Argentina and particularly for this administration"."*

May 21st, at San Carlos in the Falkland Islands, an Act of Remembrance is held at the Blue Beach Cemetery.

June 8th, in Buenos Aires, the Argentine Foreign Ministry hands a protest to the British Embassy.

"On June 8, 2004, the Kirchner administration submitted a note of protest to the United Kingdom over the hierarchical status of the military base that it illegally maintains in the Malvinas Islands. In fact, Argentina's argument is that from that year onwards, the United Kingdom moved its South Atlantic Naval Command from Ascension Island to the Mount Pleasant base in the Malvinas, which meant that the air base on Ascension Island also depended on the Malvinas." [1382]

June 10th, Argentina issues its annual press release on its "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.".

> *"On 10 June, the 'Day of Affirmation of Argentine Rights over the Malvinas, islands and the Antarctic Sector', the Argentine Nation commemorates the creation in 1829 of the Political and Military Command for the Malvinas Islands and islands adjacent to Cape Horn in the Atlantic Ocean, through a decree issued by Brigadier Martín Rodríguez, acting Governor of Buenos Aires province."* [1383]

1381 *Penguin News* May 7, 2004 citing *MercoPress.* Argentina's Defence Ministry had accepted in August, 1994 that the sinking was within the rules of war following an internal investigation by Eugenio Miari. The conclusion was made public at the time but not, seemingly, widely reported within Argentina. *cf.* May, 1982 & August, 1994

1382 Romero 2020. No source cited, and I have found none.

1383 *UN Doc A/Ac.109/2005/17*

Buenos Aires also grants, somewhat prematurely, its flag carrying airline, Aerolineas Argentinas a licence for two routes between the airports of Buenos Aires and Port Stanley in the Falkland Islands.[1384]

June 14th, Falkland Islanders celebrate 'Liberation Day', on the anniversary of the surrender of the occupying Argentine forces in 1982.

June 17th, in London, a number of Chilean and Uruguayan diplomats attend a reception at Lincoln's Inn, hosted by the Falkland Islands Government. [1385] In her speech, Falklands representative Sukey Cameron rebukes Argentina; *"The Argentine government has adopted a more assertive policy, with measures deliberately taken to make life more difficult for Falkland Islanders. They have effectively banned all charter flights between South America and the Islands by refusing permission to over fly Argentine territory. They have demanded the introduction of direct flights from Buenos Aires. They have authorised incursions into our fishing zone in order to undermine our fishing industry, at a time when our Illex squid fishery has had its worst ever year. It is hard to imagine more blatant and unprincipled acts of intimidation. Despite these provocations, our Councillors have refused to bow to bullying and blackmail and we have had robust support from the UK Government and our friends in Parliament, for which we are very grateful. These actions only reinforce Islanders' commitment to the principle of self-determination. The Argentine Government will discover in time that they are totally counterproductive."*[1386]

In New York, Islands' Councillors lobby the USA.

"Two Falklands councillors have been the guests of the US State Department. Councillors Mike Summers and Roger Edwards spent a day at the US State Department, a visit coordinated by the British Embassy in Washington DC. The pair met with Mr Leonard Kusnitz. Deputy Director of Brazilian and South Cone Affairs. In New York they lobbied representatives from a number of nations and had dinner with the representatives from the Missions of Uruguay and Chile." [1387]

June 18th, at the United Nations building, the Special Committee on Decolonization takes up the Falklands question. [1388] Representing the Island people are MLAs Michael Summers and Roger Edwards. Petitioners for Argentina are Alejandro Betts and Maria Angelica Vernet.

Roger Edwards reminds the committee; *"... that, several weeks before, the United Nations Secretary General, in a letter to the participants of the Pacific Regional Seminar on Advancing the Decolonization Process, had reaffirmed his commitment to the decolonization of Non-Self Governing Territories, including the Falkland Islands, and to the granting of independence to colonial countries and peoples."*

MLA Summers adds; *"... that his territory was not a colony. Its people were not a colonial people, and the Government of the United Kingdom did not treat them as such. The international community must show no tolerance for those who continued to make territorial claims while ignoring the wishes of the people of the territories that were the focus of such disputes."* [1389]

Chile presents a draft-resolution calling for sovereignty negotiations to recommence; before Argentina's Foreign Minister, Rafael Bielsa, addresses the Committee as an observer.

1384 *Mercopress* June 10, 2004. With no effect, as any flight requires the express permission of the Falkland Islands Government. *cf.* 2017

1385 See August, 2004 below.

1386 *Mercopress: South Atlantic News Agency* June 18, 2004.

1387 *Penguin News* June 18, 2004

1388 *UN Doc A/59/23.* See also working paper *A/Ac.109/2004/12*

1389 *UN Doc A/Ac.109/2004/SR.9*

"... 40 years ago, this Committee laid the foundations for the doctrine later reflected in General Assembly resolution 2065 (XX), which establishes that the Malvinas question refers to the dispute between the Argentine Republic and the United Kingdom concerning sovereignty over the Islands, which should be resolved through negotiations, ... (and) that both parties, in the search for a solution, must take into account the interests of the inhabitants of the Malvinas Islands, which therefore excludes the application of the principle of self-determination.

It should be recalled that in 1985 the General Assembly took a clear position in that regard when it rejected two British amendments that aimed to include that principle in the relevant draft resolution. I should like to stress that paragraph 6 of resolution 1514 (XV) states that 'any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country' - in this case, my country - 'is incompatible with the purposes and principles of the Charter of the United Nations'.

Thus, in the question of the Malvinas, the violation through a nineteenth century imperialist act of the sovereignty and territorial integrity of an independent republic, Argentina, recognized by Great Britain itself, makes the principle of territorial integrity take precedence over the principle of self-determination. ..." [1390]

As in previous years, the draft-resolution is adopted by the Special Committee without a vote.[1391]

"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..." [1392]

After the Committee meeting, Argentina's Foreign Minister approaches the MLAs.

"Two Falklands councillors have had a brief personal exchange with the Argentine Foreign Minister in New York. Councillors Roger Edwards and Mike Summers were approached by Rafael Bielsa after presenting their speeches to the United Nations Decolonisation Committee (C24) last week. Councillor Edwards said Mr Bielsa, "... wished us well and said he would see us next year". Mr Edwards gave Mr Bielsa a little food for thought: "I suggested when they put forward their argument next time, they include the wishes of Islanders and a little about the right to determine their own future. I said he should raise it in their next cabinet meeting - of course they haven't had a cabinet meeting since Kirchner's government took office. He just gave me one of those looks"..." [1393]

1390 *UN Doc A/Ac.109/2005/17.* To recap: 1) 2065 (XX) called for talks, not invasion, and by this time was long dead having been replaced by General Assembly resolutions from 1985 that made no mention of 2065. 2) 1514 (XV) had no retrospective effect and its reference to territorial intergrity was a reference to the future (ie. after 1960) territorial integrity of the colonies listed at the UN for decolonization. Not anyone else. 3) the only position that the UN took in 1985 was that the islanders' rights to self-determination were already sufficiently protected as not to need further re-enforcement. And 4) Britain had not recognised Argentina as a legally independent country before the moot '*imperialistic act*' of 1833. Only its *de facto* existence in 1825. Britain would recognise the *de jure* independence of Argentina in the treaty of 1850. See Vols. 2 & 3

1391 By consensus.

1392 First operative paragraph of the adopted resolution in *UN Doc A/Ac.109/2004/L.8.* "*Special & Particular*" was a phrase that did not appear in Special Committee draft resolutions until 1989. One year after the last UN GA resolution in 1988.

1393 *Penguin News* June 25, 2004

June 23rd, in an article in Argentina's *Clarin* newspaper, Professor Marcelo Kohen[1394] proposes that the International Court at the Hague is the *"only alternative"* capable of introducing new dynamics to the Falklands/Malvinas dispute, because *"there are no more options for Argentina regarding Malvinas."*

"Argentine professor Kohen argues that since self determination is the only instrument accepted by the Islanders and fully supported by Britain, currently there's no chance for Argentina's territorial and historic sovereignty claims even including the promise of considering the Islanders' "interests". Therefore Argentina must refer the case to the International Court of the Hague where a recent ruling involving self determination and territorial claims in a border area between Nigeria and Cameroon was favourable to the country with territorial claims. Mr. Kohen points out two main aspects of the ruling: when the existence of legal titles in favour of a country, the effective possession of the territory in dispute is not enough to consider it sovereign. Secondly, the views of the inhabitants of the disputed territory are not conclusive for the case." [1395]

"Kohen is a recognized and prestigious jurist ... at 64, he is still one of the most enlightened specialists in the legal case for the Malvinas Islands. That is, in the sovereignty conflict between Argentina and the United Kingdom. Kohen is deeply nationalistic and from his perspective of international law has advised the governments of Nestor and Cristina Kirchner to take the British to court, ***which he has later advised against*** *due to his own experience."* [1396]

June 30th, the end of the Falkland islands financial year; "*For 2003/04, the original estimate for total revenue was 50.5 million British pounds (£), of which more than half (£25.8 million) came from fisheries. Other sources of revenue were taxation (£5.1 million), investment income (£4.1 million) and revenue derived from public works (£4.4 million). During the same period, the original estimate for total expenditure was £43.9 million."* [1397]

In London, Sir Rex Masterman Hunt retires as Chairman of the Falkland islands Association.

"After Sir Rex Hunt retired as Association Chairman a succession of retired Governors filled this position. It should be asked if this was wise? In a crisis was their first loyalty to Islanders of the FCO? Under these chairmen the Association passed from being a crusading political organisation to a passive club, ..." [1398]

July 1st, *in New York,* the General Assembly of the UN adopts resolution *58/316* entitled *Further Measures for the Revitalization of the Work of the General Assembly*. [1399]

Under *Review of the agenda of the General Assembly*, it is decided that, commencing with the 59th session:

"The items entitled "Question of Cyprus", "Armed aggression against the Democratic Republic of the Congo", "Question of the Falkland Islands (Malvinas)", "The situation of democracy and human rights in Haiti", "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the nonproliferation of nuclear weapons and international peace and security", "Consequences of the Iraqi occupation of and aggression against Kuwait", and "Declaration of the Assembly of Heads of State and Government of the

1394 By this time, Professor of International Law at the Graduate Institute of International and Development Studies, Geneva. See August, 1997. Also May, September & December, 1998.

1395 *MercoPress* July 23, 2004. https://en.mercopress.com/2004/06/23/international-hague-court-only-alternative-for-dispute

1396 *El Gobierno postuló a un abogado argentino para juez de la Corte Internacional de Justicia* Natasha Niebieskikwiat in *Clarin* December 19, 2021. My emphasis.

1397 *UN Doc A/Ac.109/2005/17*

1398 Elgood 2025

1399 See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/58/316

Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986" shall remain on the agenda for consideration ***upon notification by a Member State****; …"* [1400]

In London, on the same day, the South Atlantic Fisheries Commission reconvene.

"In a move described by the Director of Fisheries as "eminently sensible", a workshop is to be held between Falklands and Argentine fishery scientists to work on conservation measures for "unusual" years, such as 2004. At the South Atlantic Fisheries Council (SAFC) meeting held in London earlier this month, both sides agreed there was a serious problem with illex. with the lowest recruitment and stock size ever recorded, and that a "precautionary approach" should be adopted." [1401]

July 2nd, at the UN, the Special Committee on Decolonization publishes its 2004 annual report for the information of the Fourth Committee. The Special Committee does not include its Falklands resolution amongst those resolutions and decisions recommended for adoption by the General Assembly. [1402]

July 5th, the UK renews its recognition of the compulsory jurisdiction of the International Court of Justice (ICJ) as applying "*automatically*" to all disputes arising after 1st January 1974. [1403]

Hector Bonzo, Commander of the ARA *Belgrano* in 1982 is interviewed in a Channel 4 television documentary; *"I already had orders to fire on any British warships that came into range. … We were not just to cruise around on patrol. Our mission was to attack. Our people were highly trained – we were keen to pull the trigger."* [1404]

July 28th, the UK responds to Argentina's protest to the UN of June 8th.

> *"Her Majesty's Government rejects the contents of the letter. As the Government of the Argentine Republic has been informed on several occasions, there is no substance to these claims. The change in titles to Head Quarters British Forces South Atlantic Islands and Commander British Forces South Atlantic Islands simply reflects changes in administrative structures. There has been no change in the mission or role of the Armed Forces of the United Kingdom providing security for the Falkland Islands, South Georgia and the South Sandwich Islands."* [1405]

In **August**, in Buenos Aires, Argentina's Foreign Minister registers his displeasure at reports of Chilean and Uruguayan diplomats attending the Falklands reception in June.

"Early this week, Argentine Foreign Minister Rafael Bielsa was quoted in the South American press as saying his country "could not stand indifferent" if Chilean diplomats, for example, "were present at a celebration of the illegitimate government of the Malvinas to celebrate the fall of Puerto Argentino (Stanley)". He said, "If,

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1400 *UN Doc A/Res/58/316 Annex 4(b).* My emphasis. Every year after 1988 the General Assembly had gone to the trouble, on paper at least, to consider the Falklands issue and then defer further consideration to the following session. With this procedural change the Falklands' question would automatically appear on the provisional agenda every year, but would not come before the General Assembly unless a member of the UN requested that it be debated. No such notice has been given by any of the 193 Member States in the period from 2004 to 2024. Not even by Argentina.. *cf.* 1989, 1990, 1991, 2003 & 2011

1401 *Penguin News* July 16, 2004

1402 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2004 A/59/23.*

1403 A regular event every decade or so since the founding of the World Court in 1920. This declaration only concerned the recognition of *'compulsory jurisdiction'* and would be amended again in 2014. Argentina has never recognised the compulsory jurisdiction of the ICJ, with or without restrictions. *cf.* December, 2014

1404 *Secret History: Sink the Belgrano* made by the *National Geographic* magazine's film division.

1405 *UN Doc A/58/860*

supposedly, Chilean diplomatic officials are present at a party to celebrate an Argentine military defeat in a territory which is Argentine, and hosted by an illegitimate government, definitively we can't stand indifferent"..." [1406]

September 21st, in New York, during a speech before the General Assembly at the opening of its 59th session, Argentina's President Kirchner asserts; "*... that the question of the Malvinas Islands, South Georgia and the South Sandwich islands is a special colonial situation which must be resolved through bilateral negotiations between my country and the United Kingdom. ...*" [1407]

"The first question that arises so far is whether there is any relationship between the default in which Argentina found itself and the Malvinas issue? The answer is yes. Although Kirchnerism did not think of taking the issue to the UN General Assembly to obtain a new resolution, in 2004 this possibility was being considered, but a high level Foreign Ministry official concluded that "The return to the UN General Assembly is not being evaluated, it would be very difficult to obtain the votes of the European countries in the middle of default"." [1408]

September 30th, the UK exercises a right to respond to Kirchner's speech.

> *"The British Government attaches great importance to the principle of self-determination, as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. ...*
>
> *There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish."* [1409]

October 4th, at the UN, the Fourth Committee reviews the work of the Special Committee on Decolonization. Paraguay, Brazil and Venezuela make mention of the Falkland Islands; calling for the resumption of negotiations over sovereignty. [1410]

With no recommendation from the Special Committee, its resolution is not forwarded to the General Assembly.

October 26th & 27th, in London, a meeting of the Anglo-Argentine working party on mine clearance takes place.

"The meeting took place in accordance with the understanding recorded in the Exchange of Notes of 11 October 2001, and is covered by the formula on sovereignty included in those notes. The Joint Working Party considered the overall aims of the feasibility study, its technical and financial aspects, as well as management issues. In that respect, it appointed new project managers. Understandings were reached on a number of practical measures. It also agreed to perform several tasks in fulfilment of shared commitments to carry out the study. The Joint Working Party will meet next during the second quarter of 2005, in Buenos Aires." [1411]

Tierra del Fuego's provincial legislature holds a parliamentary session at Argentina's Marambio base on the Antarctic Peninsula; announced as a celebration of a centenary of Argentina's sovereignty in Antarctica. [1412]

1406 *Penguin News* August 20, 2004
1407 *UN Doc A/59/PV.4* and *A/Ac.109/2005/17*
1408 Romero 2020. Argentina had defaulted on its foreign debts in 2001.
1409 *UN Doc A/59/406.*
1410 Fourth Committee Press Release *GA/SPD/284.* Exercising its right of reply the following day, the UK's representative merely said that the UK's position had been made out in response to President Kirchner's September 21, 2004 speech to the General Assembly.
1411 *UN Doc. A/Ac.109.2005/17*
1412 All sovereignty claims in Antarctica have been suspended since the Antarctic Treaty came into effect.

November 24th, At Stanley, Dari Taylor MP, visiting the Falklands, tells a press conference; *"There is a serious determination (from Argentina) to undermine your economic development and that challenge has to be met head on."* [1413]

December 6th & 7th, in Buenos Aires, the South Atlantic Fisheries Commission hold their 26th meeting.

In his Christmas message, Tony Blair tells the Islanders; *"We will continue to discuss with Argentina issues of mutual concern and benefit to your community, building on recent meetings over shared fish stocks, the Continental Shelf and de-mining, but let me assure you. there is no lessening in our commitment to your security, sovereignty or right to self-determination."*

2005 – January 3rd, Argentina issues its annual press release, recalling its perception of the events of 1833.

> *"On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling its inhabitants and the Argentine authorities legitimately established there. Today, 172 years after that illegitimate occupation which still continues, the Argentine people and Government reaffirm the imprescriptible sovereignty rights of the Argentine Republic over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas. Likewise, they recall the permanent and unrelinquishable objective, enshrined in the National Constitution, of recovering the full exercise of sovereignty over the above-mentioned territories and maritime areas through peaceful means for the settlement of disputes in accordance with international law and respecting the way of life and the interests of the inhabitants of the Malvinas Islands"* [1414]

January 21st, at Stanley, a Canadian Commonwealth Parliamentary Association delegation visits the Islands. [1415]

"*It is time to break the silence on Argentina's economic sanctions against the Falklands, a visiting delegation of Canadian parliamentarians has said. ... The Honourable Sarmite Bulte addressed the actions of the current Argentine administration since it came to power which appear to be aimed at isolating the Falklands from the South American continent and the rest of the world. Ms Bulte said Canada is well positioned to champion Falkland Islanders' right to self determination in the international arena. She commented, "'The battlefield has given way to economic warfare and isolation by other Latin .American countries and we must concur that if it were any other country that was subject to these economic sanctions, the rest of the world would not stay quiet. It is time for us to break that silence".*" [1416]

January 31st, the UK issues a rejection of Argentina's January press release.

> *"The Government of the United Kingdom of Great Britain and Northern Ireland has no doubts about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas, and rejects the claim by the Government of Argentina to sovereignty over those islands and areas and that the Falkland Islands are under illegal occupation by the United Kingdom."* [1417]

1413 *Penguin News* November 26, 2004

1414 *UN Doc A/59/662: Letter dated 3 January 2005 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

1415 *Mercopress: South Atlantic News Agency* January 23, 2005

1416 *Penguin News* January 28, 2005

1417 *UN Doc A/59/687: Letter dated 31 January 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*

February 3rd, in Colombia, Foreign Office Minister Bill Rammell, attending a G24[1418] conference, has a meeting with Argentina's Foreign Minister, Rafael Bielsa.

"Councillors only learned of the meeting after Argentine daily newspaper Clarin reported it late last week. Mr Summers said Council was "irritated" that "yet again we find out about the meeting not from official sources but from Clarin" and that he and his colleagues expect to receive a report soon about the meeting. He added, "...we have made our views known on this to the visiting Director of the Americas, Robert Culshaw ".." [1419]

A Landmine Action fact-finding team visits the archipelago; *"Landmine Action has indicated that 16,600 mines remain in the Islands, distributed in 101 minefields."* [1420]

February 14th, in Stanley, twenty-six delegates from around the world attend a Red Ensign Group Conference.

February 28th, David Louis Vernet Hughes, the great, great grandson of Luis Vernet, visits Port Louis. [1421]

March 1st, in Buenos Aires, during an address to the Argentine General Assembly, President Kirchner reiterates his administrations' commitment to "*recovering*" the Falkland Islands.

March 12th, in the Falklands, twenty-two members of the *Comision de Familiares de Caidos en Malvinas e Islas del Atlantico Sur*, representing the families of Argentine servicemen killed in 1982, arrive.

> *"Treasurer of the Commission, Leandro Martin de la Colina, whose father was among the crew of a Lear jet shot down on Pebble Island, explained that the principal purpose of the visit was to check that the monument commissioned by the Commission and erected at Darwin by Falklands-based Morrisons Ltd. had been constructed to specification. Although they intended to hold a service at the cemetery, it would not be either an "inauguration" or a "dedication"..."* [1422]

March 15th, Eduardo Eurnekian flies into Mount Pleasant Airport, with a small group of reporters. At the Argentine Military Cemetery, a short ceremony of dedication is held. No flags are unfurled. [1423]

"The monument is composed of two twenty-six meter walls in which twenty-four black marble plaques are inserted, engraved with the names of the 649 Argentines who officially died during the conflict with Great Britain. These plaques converge on a three-meter-high white cross, with the Virgin in a niche at its foot. A plaque on one of the walls carries the inscription "The people of the Argentine nation in memory of the soldiers who fell in action in 1982."..." [1424]

March 17th, the Falklands Governor invites the members of the Argentine Families Commission to Government House; *"In what he described as a "low key visit", the Governor has hosted Argentine next of kin at his home, a move which has upset some Islanders. ... The visit to Government House, which His Excellency Mr Howard Pearce stressed was, "not a reception," took place last night. ... Mr Pearce acknowledged that the invitation to the Argentine group would not be universally popular with Islanders. However he was clear that the visiting group represents the Argentine Families Commission, "It docs not include any Argentine government representatives"."* [1425]

1418 Intergovernmental Group of Twenty-Four on International Monetary Affairs and Development
1419 *Penguin News* February 11, 2005. I can find no subsequent report of what occurred at this meeting of Ministers.
1420 *UN Doc A/Ac.109/2005/17*
1421 *cf.* 1823, 1826, 1828, 1829 & 1833
1422 *Mercopress* March 12, 2005
1423 Financier of the new cemetery, he flew in, and flew out, that same day. *cf.* October 3, 2009
1424 Rubenstein 2011.
1425 *Penguin News* March 18, 2005

April 11th, in New York, at the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization. Included is a new final paragraph.

"Action by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the fifty-ninth session of the General Assembly." [1426]

April 20th, Argentina sends letters of protest to the 25 member nations of the European Union following the inclusion of the Falklands – as a British Overseas Territory – in the EU Constitutional Treaty.

".., Argentina officially rejected the inclusion of the Falkland Islands, South Georgia and South Sandwich Islands as "British Antarctic Territory" in the European Union Constitutional Treaty and has informed European institutions of its "reservations" about the case." [1427]

April 25th, in Argentina, Alicia Pierini, Defensora (Ombudsman) of the city of Buenos Aires, writes a letter to the *La Nación* newspaper asserting that the sinking of the ARA *Belgrano* a war crime.

> "*The Argentine ship was not only far from the belligerent zone: it was not sailing towards it and was not even close to British units, so it did not pose any threat or imminent danger to the United Kingdom. Torpedoing it was, plain and simple, a war crime, due to the disproportionate and illegitimate use of force, violating the rights of those who were fighting at the time and humanitarian law.*
>
> *Why did Great Britain design the exclusion zone, thus drawing the limits of the theatre of operations, if it was immediately going to violate them?"* [1428]

May 6th, in Buenos Aires, Argentina writes to the British Embassy; *"The Government of Argentina strongly rejects the inclusion, in the aforementioned annex II, of the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding maritime areas, which are an integral part of the territory of the Argentine Republic and are illegally occupied by the United Kingdom of Great Britain and Northern Ireland, being the subject of a sovereignty dispute. Accordingly, it notes that the inclusion of these territories in part III, title IV, annex II, entitled "Association of the overseas countries and territories", of the Constitutional Treaty of the European Union in no way affects the sovereignty and jurisdiction of Argentina over these territories. Furthermore, it points out that the inclusion of the "British Antarctic Territory" in the aforementioned annex II does not affect the rights of the Argentine Republic in the Argentine Antarctic Sector, which is an integral part of the territory of the Argentine Republic.... The Argentine Republic reaffirms its right of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands, and surrounding maritime areas, which are an integral part of its national territory"* [1429]

May 10th, Argentina writes to the Council of the European Union, the European Commission and the Secretary General of the United Nations repeating the statement made to the British Embassy on May 6th. [1430]

1426 *UN Doc A/Ac.109/2005/17*. Working papers have long been prepared for the *Special Committee* informing them as to the current position in the NSGTs, including – Constitutional & Political Developments, Government, Economic Conditions, Social Conditions, etc. This additional paragraph reflected the procedural change of July, 2004. Writing in 2025, this format has not changed. No call for debate. *cf.* 1989, 1990, 1991 & 2014.

1427 *Penguin News* April 19, 2004

1428 Quoted in *General Belgrano: ¿Crimen o accción de combate?* Daniel Gallo in *La Nacion* May 8, 2005

1429 *UN Doc A/60/76 Letter dated 10 May 2005 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General - Annex III*

1430 *Ibid*.

"The EU Constitutional Treaty by including Malvinas among the "Overseas Territories" under tutelage of that regional block ignores the Argentine sovereignty claim ... What should really concern us is the growing and vertiginous international isolation to which this government is leading us with its verbally confrontational and factually debilitating manners." [1431]

"Edward McMillan-Scott MEP, Vice-President of the European Parliament, said, "Argentina is a bit slow on the uptake as the EU governments agreed this Treaty on June 18 last year. Normally Argentina makes difficulties over the Falkland Islands when the government is in trouble at home. The fact is that Argentina did not exist at the time that Britain discovered and held the Falkland Islands". In a letter to Mr Solana, Mr McMillan-Scott pointed out that the EU's commitment to democracy worldwide, "should embrace the rights of the Falkland Islanders to decide their own form of government. Whenever this has been tested, the Islanders have been unequivocally in favour of remaining British"." [1432]

May 17th, in New York, at the Special Committee on Decolonization's seminar on Saint Vincent, Argentina's delegate attempts to introduce a recommendation denying self-determination for the Falkland Islanders who are not represented at the meeting.

Gibraltar's delegate, Joe Bossano, speaks out against the motion; *"Describing the Argentinian view as utter and complete rubbish worthy of the views of Castiella in relation to Gibraltar in the 1960s, Mr Bossano told the seminar that they were being asked to do no less than to produce a new interpretation of the UN Charter. He reminded participants that the seminar was being held to protect the people of the remaining colonies and not to further the territorial claims of Argentina or any other member of the UN."* [1433]

"Mr Bossano picked holes in Argentina's argument about the 'occupying power'. "What I would like to know is which was the occupying power that provided the honourable gentleman with his genetic code because he does not look like an Aztec or an Inca to me. What we have in South America, in Argentina where he comes from, are the people of the occupying power eventually rebelling against their mother country, Spain, and decolonising. By his criteria they would not be entitled to that right. As if that were not enough, the honourable member presents himself before this seminar and produces self serving arguments by deliberately selectively quoting from the UN established documents list. The UN has never said that the people of Gibraltar or the people of the Falkland Islands don't have the right to self determination because there is somebody that wants the place in which they live, and they have been living there in the case of the Falkland Islands only since 1833 and in the case of Gibraltar only since 1704. That is utter and complete nonsense". ... The motion proposed by Argentina was not carried and the resolution was not included, only noted." [1434]

June 2nd, the UK responds to Argentina's protest to the EU.

> *"The inclusion of the Falkland Islands, South Georgia and the South Sandwich Islands, and the British Antarctic Territory, in the Treaty establishing a Constitution for Europe simply confirms the present position with regard to the status of these British Overseas Territories. These Territories have been included in the Treaty establishing the European Community since the accession of the United Kingdom on 1 January 1973."* [1435]

1431 Ex-President Carlos Menem May 2, 2005 referring to the Kirchner presidency.
1432 *Penguin News* May 6, 2005
1433 *Mercopress* May 31, 2005. Argentina's remarks were noted but not endorsed by the seminar.
1434 *Penguin News* June 3, 2005
1435 *UN Doc A/59/843: Letter dated 7 June 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

June 5th, speaking to an Organization of American States conference, Argentina's Foreign Minister Rafael Bielsa calls on Britain to open negotiations on ceding the Falklands; accusing the UK of antagonizing Argentina with unilateral actions. [1436]

Argentina's Chamber of Deputies passes a motion calling for Margaret Thatcher to face trial in an international court for the *'war crime'* of sinking ARA *Belgrano* in 1982.

"The discussion on whether the British attack took place within the international rules that must be respected in a war or outside them is a matter of controversy. It will probably be more the responsibility of historians to resolve the issue than of lawyers, politicians or diplomats. ... The reality, is that the Argentine feeling is that the cruise ship was sunk in violation of the rules, but the international community does not seem to have taken up the issue, nor does it share this point of view. For Argentines, the idea that the cruise ship was sunk in violation of the rules will remain as one more manifestation of Argentina's claim to sovereignty, even though the world does not share this opinion and only historians can give a more definitive opinion on the matter." [1437]

"This report, reviewed nationwide on various BBC and other radio stations throughout the night, brought hundreds of telephone calls from incredulous listeners expressing their resentment and astonishment. These calls condemned what the British public regard as shameful Argentine arrogance and effrontery in criticising Prime Minister Thatcher's legitimate response of defending British territory and lives against Argentine aggression against the Falkland Islands. ... Argentine demands to punish Margaret Thatcher date back many years. The authorities in Britain and even Argentina's own naval commanders have never taken them seriously. They lack credence and legitimacy even in Argentina where the latest move is not a Government demand and does not have the approval of the Senate even for action by the Argentine Congress." [1438]

June 10th, Argentina issues its annual press release recalling 1829 - "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector."

> *"On 10 June, the 'Day of Affirmation of Argentine Rights over the Malvinas, islands and the Antarctic Sector', the Argentine nation commemorates the creation in 1829 of the Political and Military Command for the Malvinas Islands and islands adjacent to Cape Horn in the Atlantic Ocean, through a decree issued by Brigadier Martín Rodríguez, acting Governor of Buenos Aires province. Since its inception as an independent nation, the Argentine Republic has demonstrated, through various acts of Government, its firm political will to exercise effective sovereignty..."* [1439]

June 15th, in New York, at the UN, the Special Committee on Decolonization meets to consider the question of the Falklands. [1440] Representing the Islands people are MLAs John Birmingham and Stephen Luxton. Speaking as petitioners for Argentina are, James Lewis and Luis Gustavo Vernet.

"In his speech to the meeting, Councillor Birmingham spoke of the way the present Argentine administration has "gone out of its way to make life difficult for the Falklands" and said their attitude to the Falkland Islands and Falkland Islanders, "is making more countries and people look at this present Argentine government as a bullying administration, who don't seem to understand the realities of the 21st century"." [1441]

1436 *SN/IA/5602 Argentina and the Falklands* Vaughne Miller 2010 (House of Commons Library)
1437 Rosendo Fraga quoted in *General Belgrano: ¿Crimen o accción de combate?* Daniel Gallo in *La Nacion* May 8, 2005
1438 *Mercopress* June 5, 2005. Argentina's Supreme Court had ruled that the action could not be prosecuted within Argentina in March, 2000. In July, 2005 the European Court of Human Rights also rejected a case. *cf.* 1982 & 2000
1439 *UN Doc A/Ac.109/2006/17*. This is untrue. Argentina (Confederation/Republic) made no protest to the UK regarding sovereignty over the Falklands archipelago between 1850 and 1945. *cf.* 1829
1440 *UN Doc A/60/23*
1441 *Penguin News* June 17, 2005

"The elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish. Councillor Luxton condemned the Argentine government's "unacceptable" ban on charter flights to the Falklands. "The reality is that Argentina has effectively imposed an illegal unilateral economic sanction against the Falkland Islands people and economy, and I believe each and every country in the United Nations should be outraged by that situation"." [1442]

Chile, on behalf of Venezuela, Bolivia and Cuba, introduces a draft-resolution calling for renewed negotiations on the subject of sovereignty.

Present as an observer, Argentina's Foreign Minister Bielsa, speaks before the Committee.

> *"The Congress of Argentina is deliberating on some legislative measures addressed to minimize the negative effects to the Argentine interests caused by illegal permits to carry out hydrocarbon-related activities in the disputed area, issued by the illegitimate authorities in the Islands.*
>
> *Furthermore, we could add to the British unilateral actions the attempts by the United Kingdom to try to assert an international presence for the Malvinas Islands as a separate entity from our country and to grant the so called "Island Government" a status which it does not have, and the extension of international conventions to the disputed area..."* [1443]

"At the same meeting, statements were made by the representatives of the Bolivarian Republic of Venezuela, Bolivia, Brazil (on behalf of the Rio Group), China, Cuba, Grenada, Indonesia, Paraguay (on behalf of the MERCOSUR countries, plus Bolivia, Chile and Peru), Peru, the Russian Federation, Sierra Leone, the Syrian Arab Republic, the United Republic of Tanzania and Uruguay." [1444]

The draft-resolution is adopted without a vote. [1445]

June 28th, in the UK, a two-volume set by Lawrence Freedman is published – *The Official History of the Falklands Campaign Volume 1: The Origins of the Falklands War* and *The Official History of the Falklands Campaign Volume 2: War and Diplomacy*. [1446]

"Following the launching of the book, the Argentine Foreign Ministry released a statement complaining that it is "conceived from the British perspective"." [1447]

1442 *UN Doc A/60/361:Letter dated 16 September 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

1443 *UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

1444 *UN Doc A/60/23.* Also *A/Ac.109/2005/SR.8*

1445 *UN Doc A/Ac.109/2005/L.8.* It is worthy of note that the Decolonization Committee's Secretariat, which produced the working paper that covered this event (*A/Ac.109/2006/17)*, included the observing Argentine Foreign Minister's speech in full. However, while mentioning the attendance of the Falklands' representatives, it failed to include any of their statements. A further example of the bias of the UN's Special Committee on Decolonization. A Committee, according to the UK and the US, long overdue for disbandment.

1446 Part of the Government Official History Series. Confusingly, the publisher gives the date as August 11, 2005

1447 *Penguin News* July 1, 2005

"Commissioned by New Labour in 1997, Freedman was granted unfettered access to a vast range of previously classified Government archive material in order to script Britain's definitive account of the war. The first volume of Freedman's history was based on the origins of the war – the dispute over the ownership of the islands and the diplomatic events leading up to the Argentine invasion. In some circles, particularly among Falkland islanders, ... (volume 1)... has been criticised as being too sympathetic to Argentine claims." [1448]

June 30th, at the end of the Falkland Islands' financial year; *"According to the administering Power, for the 2004/05 period, the revised estimate for total revenue was 44.3 million British pounds (£), of which £13.7 million came from fisheries. Other sources of revenue include investment income (£9.4 million) and taxation (£7.9 million). During the same period, the original estimate for total expenditure was £41 million."* [1449]

The UK lifts its ban on the sale of spare Rolls Royce parts to Argentina; in place since 1982.

July 6th, Argentina complains that the President of the UN's Economic and Social Council has published a document referring to the archipelago without the word '*Malvinas*' in parenthesis; and has recognised Britain's extension of labour conventions to the Falkland islands.

July 15th, London hosts the 27th meeting of the Anglo-Argentine South Atlantic Fisheries Commission.

"An Argentine delegation has objected to the Falkland Islands' proposed new fishery policy which is to be put to Legislative Council next month. The objection was lodged at a meeting of the South Atlantic Fisheries Council in London, attended by the Falklands Director of Fisheries. Mr John Barton, on July 15. ... He said the discussion of fishery policy initiatives was a "significant component" of the meeting but gave no further detail. However an informed source told Penguin News Argentina objects to the concept of property rights - lasting for some 25 years - contained in the policy: "the Argentine government takes the view that as the Falklands belongs to Argentina, the Falkland Islands Government cannot give away rights which they do not possess"." [1450]

"Both delegations reaffirmed the importance they attached to ensuring the sustainability of fish stocks and reiterated the commitment of both Governments to the conservation of the fish and squid stocks of the south-west Atlantic. They recommended to both Governments the continuation of further scientific research in order to achieve greater understanding of the most significant offshore species in the area." [1451]

July 19th, in New Yok, at the UN, the Special Committee on Decolonization publishes its annual report for 2005. As in previous years, the Committee does not recommend its Falklands resolution for adoption by the General Assembly. [1452]

August 26th, in Stanley, the Falkland Islands Government pass new legislation introducing *'property rights'* to fisheries and changing the licensing system to allow for the issue of fishing licenses lasting for 25 years.

1448 *Government Media Policy during the Falklands War* Joanna Margaret Thornton 2015 (published thesis) citing *Official British history of the Falklands War too pro-Argentina* J. Copping in *The Daily Telegraph* February 27, 2010. In the *Penguin News* article of July 1, 2005, Sir Lawrence Freedman stated that he was initially approached to write the book by PM John Major. In fairness to Sir Lawrence Freeman, he is willing to take his critics head-on; including me. Following an exchange of messages, the impression that I was left with was that his previous collaborator, Gamba-Stonehouse (now Gamba) had provided a very Argentine version of the history of the Falklands.

1449 *UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

1450 *Penguin News* July 22, 2005

1451 *UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.*

1452 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2005 A/60/23*

"According to the administering Power, a major review of fisheries policy began in 2002 and culminated in the enactment of the Fisheries (Conservation and Management) Ordinance 2005. The Legislative Council passed the Fisheries Bill on 26 August 2005. It is expected to be implemented on 1 July 2006. … Also according to the administering Power, the most significant outcomes were the introduction of property rights in the fisheries and the enhancement of existing conservation measures. The current system of allocation of nontransferable, variable duration licences to individual vessels is to be replaced by a system of long-term individual transferable rights owned by Falkland Islanders." [1453]

"For nearly two decades, the business consisted in little more than re-selling annual licenses, but in 2005 the local fishing companies became more involved in actively managing quota through the establishment of the Individual Transferable Quota system for all fishing except Illex. Under this system, FIG allocates quota to companies based on their previous track records, and individual firms may borrow money or trade out of their quota if they desire. Only companies registered in the Falklands can hold quota, and the system allows for longer-term licenses starting at 25 years. This system cemented Islanders' status as licensing agents with exclusive access to distributive quota." [1454]

August 30th, Argentina refuses over-flight permission for a Chilean DAP flight carrying spare parts for a fishing vessel in the Falklands.

"Relations with Argentina have "deteriorated" during this council's four year term. That was the judgement given by councillors at the public meeting when asked if any progress had been made. Councillor Mike Summers said not only has there been a deterioration in the relationship between the Falkland Islands and Argentine governments but between the British and Argentine governments. He said the Argentine government's actions over the past few years have been "well documented" and have meant the relationship has "gone slightly backwards" however they had caused little more than a "nuisance" to Islanders. When asked by a member of the public if Argentina had fulfilled any of their agreed obligations required under the July 1999 Joint Statement, Councillor Norma Edwards said, "No, nothing at all"." [1455]

September 8th, Argentine newspaper *Clarin* reports; *"that officials from the Argentine Ministry of Foreign Affairs confirmed a, "... political decision to act against the unilateral move from the Islands.."."*

"An article written by Adriana Ruffa which appeared on the website Pesca y Puerto called for Argentina to denounce the "British presumption to grant rights over fisheries resources which it does not own". She continues, "... at the same time all companies must be warned that Argentina does not, nor will it, recognise licences, concessions or property rights issued by the occupying government on the Islands". She urges, "A system of legal safeguards which discourages those potentially interested in exploiting the Malvinas (sic) fisheries resources - some of whom will certainly have substantial interests on the continent - must be laid down by law. An instrument such as this would clear up the future as it would be the best way to convince the islanders that they cannot do anything without a good relationship with Argentina". … A fishery source said such moves as suggested by Ms Ruffa would be unlikely to punish Falkland Islands companies directly; instead, foreign companies with links in the Falklands would be more likely to be affected." [1456]

1453 *UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1454 *South Atlantic universals: science, sovereignty and self-determination in the Falkland Islands (Malvinas)* James J. A. Blair 2019
1455 *Penguin News* September 23, 2005
1456 *Penguin News* September 9, 2005

September 14th, in New York, at the UN, addressing the General Assembly at its opening session, Argentina's President Kirchner repeats Argentina's claims regarding the Falklands and calls for sovereignty negotiations with the UK.

September 16th, exercising a right of reply, Britain rejects President Kirchner's claims of sovereignty.

> *"The British Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. ... There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish. The United Kingdom has no doubts about its sovereignty over the Falkland Islands."* [1457]

October 5th, at the UN, the Fourth Committee considers the work of the Special Committee on Decolonization. The representatives of Cuba expresses his nation's support for Argentina's claim to the Falkland Islands while Pakistan's representative tells the Committee that his country; *"... believed that there was no alternative to the principle of self-determination in the process of decolonization, ... He encouraged the concerned parties in the case of the Falkland Islands (Malvinas) and Gibraltar to undertake negotiations to find peaceful and definitive solutions."* [1458]

With no recommendation from the C24, its Falklands resolution is not forwarded to the General Assembly plenary.

October 6th, in the Falklands, a trawler, *Elqui*, detained in March for poaching at South Georgia, is scuttled at Shag Rocks.

October 11th, concluding its review of decolonization matters, the Fourth Committee approves those resolutions recommended by the Special Committee on Decolonization. The omnibus resolution on *Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands, and the United States Virgin* is adopted with operative paragraph 2; *"... that in the process of decolonization, there is no alternative to the principle of self-determination."*

After the vote, Argentina's representative says he wishes to comment with regard to operative paragraph 2.

> *"... he said the scope of reference in that paragraph was restricted to those Territories referred to in the draft resolution. The Assembly had recognized that there were Territories to which the principle was not the only one that applied, due to territorial disputes. Regarding Malvinas (Falkland Islands), he said the principle of territorial integrity, that of Argentina, should be applied according to several Assembly resolution."* [1459]

October 27th, Argentina presents the UK with a protest note regarding the Falkland Island Government's new 25 years fishing licence regime.

1457 *UN Doc A/60/361*

1458 *Fourth Committee Press Release GA/SPD/313*. In September 2008, the British government, in its response to the Foreign Affairs Committee session 2007-2008, noted - *"We conclude that Gibraltar's presence on the UN list of Non-Self-Governing Territories is an anachronism. We recommend that the Government continues to make representations to the UN about delisting the Territory and that it makes clear that it is only sending the UN progress reports on Gibraltar because it is obliged to do so."*

1459 *Fourth Committee Press Release GA/SPD/317.* Argentina's first attempt to get around the general application of this paragraph. If there had been any restriction, Argentina would have had no need to comment. *cf.* December, 2003, 2008 & 2016

"... whereby the United Kingdom claims to assign ownership rights to the fisheries resources in the maritime areas surrounding the Malvinas Islands, which are the subject of a sovereignty dispute... expresses its strongest rejection of and formal protest at this new claim of long-term unilateral disposition of the fisheries resources in question, which follows previous British unilateral measures duly protested against by the Argentine Republic. ...

The Argentine Republic and the United Kingdom have not made provision for an agreed fisheries administration within the framework of the South Atlantic Fisheries Commission, and the unilateral character of the protested measure is, furthermore, incompatible with the bilateral arrangements on cooperation for the conservation of fisheries resources and seriously impairs the spirit of cooperation which must prevail within the Commission, as provided by the two Governments in the Joint Declaration of 28 November 1990. Argentina is assessing the impact of this new unilateral measure on cooperation within the South Atlantic Fisheries Commission.

The new measure is not compatible with the provisions of General Assembly resolution 31/49, which, among other things, calls upon "the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the above mentioned resolutions". The Argentine Republic stresses that the good-faith implementation of the provisional arrangements under the sovereignty formula with respect to practical matters in the South Atlantic must lead to the adoption of measures which help to settle the sovereignty dispute." [1460]

"... the Argentine Government submitted a protest letter to the Government of the United Kingdom, regarding the illegitimate and unilateral adoption of the new fisheries policy in the waters surrounding the Falkland Islands (Malvinas) in violation of United Nations resolutions (see A/60/527). The letter, inter alia, states that this unilateral action by the United Kingdom was not compatible with the provisions of resolution 31/49, which calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended by the General Assembly in its relevant resolutions." [1461]

"The new legislation would take effect from July 1, 2006. This measure, which constituted a form unlawful and unilateral long-term disposition of resources fishing boats located in the disputed maritime areas, it was rejected and formally protested by Argentina ..." [1462]

November 4th, in Buenos Aires, Argentina's Administrative Contentious Appeals Court rejects a claim arising from the 1982 war against the United Kingdom submitted by Constantino Davidoff,; "*.. for damages and losses caused by dependent personnel from the defendant country which impeded him from going ahead with the commercial activities he was involved in.*"

Two Argentine judges explain that the rejection is because they do not have jurisdiction to decide the matter, and that the claim arose from an armed conflict. No British representative attends the hearing. [1463]

November 17th, in Stanley, a general election is held for all eight seats on the Legislative Council.

1460 *UN Doc A/60/527: Letter dated 28 October 2005 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

1461 *UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 11 April 2006*

1462 Abruza 2020 p.55

1463 The judges took some pains to assert that the Falklands were Argentine territory whilst maintaining that they had no jurisdiction. For Davidoff's involvement with South Georgia, see 1981 & 1982

"According to the administering Power, legislative councillors elect a Speaker to chair the Legislative Council. They appoint a Chief Executive as head of the civil service to implement policy. Each councillor takes responsibility for a particular portfolio and works closely with the relevant departments. They do not currently have ministerial responsibility, although this is under active consideration as part of the current constitutional review. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Council who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the islands also have the right to attend meetings of the Executive Council but do not vote. The Governor normally presides at meetings of the Executive Council and is, for the most part, obliged to consult the Executive Council in respect of his functions. However, he retains responsibility for foreign policy and defence. The Territory is currently undertaking the final rounds of a constitutional review, which is due to be submitted to the Foreign and Commonwealth Office in the first half of 2007." [1464]

November 21st, in London, the Joint Task Group on de-mining holds its sixth meeting.

"According to His Excellency (the Governor), the meeting of British and Argentine officials and experts focused on "outstanding legal, financial and technical issues" in connection with the preparations for holding the study. He said. "I understand that the meeting took place in a good atmosphere and some good practical progress was achieved. A lot of the discussion is very technical, about the way in which the feasibility study should be taken forward"." [1465]

November 23rd, from London, in a *note verbale*, Britain rejects Argentina's protest of October 27th.

> *"... the Falkland Islands Government is entitled to adopt whatever measures it considers necessary to conserve, manage and exploit fish stocks within its waters. Furthermore, the United Kingdom rejects Argentine protests concerning the proclamations of the Falkland Islands' Interim and Outer Conservation Zones; the proclamation of the South Georgia Maritime Zone; and the closure by the Falkland Islands Government of the area between the Falkland Islands' Outer Conservation Zone and the Argentine 200 – nautical mile limit."* [1466]

November 30th, Argentina objects to the extension of the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction,* to the Falkland Islands. [1467]

December 6th, in Buenos Aires, the South Atlantic Fisheries Commission reconvene. At this meeting, Argentina proposes an agenda which the UK delegation believe to exceed the Commission's mandate as it includes issues subject to the internal licensing regime of the Falkland Islands Government.

"On 6 December 2005, the 28th meeting of the South Atlantic Fisheries Commission was held in Buenos Aires. According to the Argentine Ministry of Foreign Affairs, "there was no agreement with the British delegation on adopting the agenda proposed by Argentina with the purpose of analysing the South Atlantic Fisheries Commission mandate and how it has been affected by a prolonged list of unilateral British decisions". Argentina argued that the fisheries' legislation constituted "an illicit and unilateral long-term disposal of fishing resources that are subject to a sovereignty dispute and would have a severe negative impact on

1464 *UN Doc A/AC.109/2007/13 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007*
1465 *Penguin News* December 9, 2005
1466 *UN Doc A/60/583*
1467 It is standard practice to extend the provisions of the various treaties that the UK signs to its overseas territories, thereby binding them to those provisions. Rejected by the UK in a letter to the UN Secretary-General dated April 27, 2006 – *UN Doc A/60/830*

cooperation within the South Atlantic Fisheries Commission". Argentina further noted that those unilateral measures were incompatible with the bilateral understandings on cooperation for the conservation of fish stocks and did not correspond with the spirit of cooperation which prevailed within the South Atlantic Fisheries Commission and undermined the mutual trust required in matters of cooperation in conservation of fish stocks." [1468]

Argentina's Ministry of Foreign Affairs issues a press statement.

> *"The United Kingdom has adopted a new measure that constitutes a form of unlawful and unilateral long-term disposition of fisheries resources in the maritime areas surrounding the Malvinas Islands. That measure follows, among many other actions, the unilateral lifting by the United Kingdom in December 1993 of the total temporary ban on fishing in the area described in annex 1 to the Joint Statement of 28 November 1990 and the extension of its claimed jurisdiction to the area to the west of it. Since that time, Argentina has reiterated on many occasions the need for a joint review of that measure and its rejection of the extension of jurisdiction. The Argentine position, which has been reflected in the Commission's joint press releases, has not - to date - received an adequate response from the United Kingdom.*
>
> *Argentina has warned the United Kingdom on many occasions that it would reject new British unilateral measures, particularly those aimed at the long-term disposition of fisheries resources that are the subject of a sovereignty dispute. It has also warned that the adoption of such a measure would seriously affect cooperation within the South Atlantic Fisheries Commission. ...*
>
> *This decision follows previous British unilateral measures, duly rejected and protested by the Argentine Republic, which are incompatible with the bilateral understandings on cooperation for the conservation of fisheries resources and out of harmony with the spirit of cooperation that should prevail in the South Atlantic Fisheries Commission and which undermine the mutual confidence necessary for cooperation in fisheries conservation. The British unilateral measures seriously impair cooperation in the Commission.*
>
> *The Argentine Government will take the actions available to it within the legal framework applicable to this situation in its conduct towards enterprises that exploit fisheries resources in the Argentine exclusive economic zone without appropriate authorization. The Argentine Republic will continue to make serious efforts to conserve fisheries resources in the South Atlantic."* [1469]

"The Governor is dismayed that the latest meeting of the South Atlantic Fisheries Committee, held in Buenos Aires this week, progressed no further than discussion of the agenda. His Excellency the Governor, Howard Pearce, told Penguin News the position of the British and Falkland Islands governments is clear, "We have no doubt about our sovereignty over the Falkland Islands and about our right to introduce legislation to manage the fisheries in the waters (in the Interim Conservation and Management Zone and the Outer Conservation Zone] around the Falkland Islands as we see fit. That is not an issue on which the Argentine Government are entitled to express their views whatsoever". ... He commented. "I think it's extremely regrettable that the Argentine government has decided that it is not prepared to engage in serious discussion of these issues"." [1470]

1468 *UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

1469 *UN Doc A/60/594: Note verbale dated 12 December 2005 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

1470 *Penguin News* December 9, 2005

"... in practice all the cooperation mechanisms provided for by the Joint Declaration of November 28, 1990 signed between Buenos Aires and London were terminated." [1471]

In Brussels, a delegation from the Falkland Islands attends a meeting of representatives of the European Union's *Overseas Countries and Territories Association* (OCTA).

"The conference consisted of three full days of discussion between delegations from all inhabited Overseas Territories. Staff from various departments of the European Commission and representatives of Member State Governments from the United kingdom, France, the Netherlands and Denmark. The main topic of discussion was the problems that have been encountered by all territories in the draw down of funds allocated by the Commission under the 9th European Development Fund. In an interview with Calling the Falklands broadcast on December 9, Councillor Summers said, "The Falklands is owed £3 million from that and £2.4 million from previous STABEX programmes There was discussion on our side and, indeed, on eveyone else's side about how they are going to get their money..."." [1472]

December 12th, Argentina unilaterally sets conditions for further South Atlantic Fisheries Commission meetings; requiring that the question of sovereignty to be linked to fisheries conservation. Meetings are suspended. [1473]

"In the 1990 Joint Statement, both governments agreed to establish the South Atlantic Fisheries Commission (SAFC) in order to hold regular discussions on the management and conservation of fish stocks in the South West Atlantic. The SAFC has met normally twice a year, usually in July and December, under the "sovereignty umbrella", with a representative of the Falkland Islands Government present - as part of the UK delegation. The SAFC is usually preceded by a scientific meeting to share data on fish and squid stocks. The last SAFC meeting took place in Buenos Aires in December 2005. However, it proved impossible to reach agreement on the agenda. The Argentine government also cancelled the scientific pre-meeting, as they had done in July 2005, and declined to take part in the customary Research Cruise to assess the state of illex stocks, although data sharing has continued. The Argentines linked the failure to agree the agenda and the cancellation of the scientific meetings to the adoption of a new fisheries management regime by the Falkland Islands Legislative Council on 26 August 2005. This changed the basis of the Islands' fisheries management system from short term licensing to long term ownership rights of up to 25 years in duration. The system will come into operation for some stocks on 1 July 2006. This was a decision for the Falkland Island Government. It was aimed at ensuring the longer-term viability of the fishing industry and conservation of stocks. We fully support the Falkland Islands Government in its activities to develop and conserve its fisheries. The change in licensing regime does not affect the UK's commitment to co-operate with Argentina within the SAFC (which places no restrictions on the fisheries management regime of either party). We are exploring arrangements for the next meeting of the Commission with the Argentine government." [1474]

"From 1990 to 2004, a transnational organization called the South Atlantic Fisheries Commission collaborated on scientific monitoring in both the Falklands' and the Argentine zones. However, when the FIG introduced the quota system, the Argentine government's scientists stopped participating." [1475]

1471 Romero 2020

1472 *Penguin News* December 16, 2005

1473 These meetings had been organised from their beginning under the sovereignty umbrella negotiated in 1989. Argentina's demand that fisheries cooperation be linked to sovereignty breached that agreement. *cf.* 1989 & 1999.

1474 *Letter to the Committee Specialist from the Parliamentary Relations and Devolution Team, Foreign and Commonwealth Office, 5 June 2006* https://publications.parliament.uk/pa/cm200506/cmselect/cmfaff/1329/1329we13.htm

1475 Blair 2019

"The fundamental reason was that more than one hundred ships, Spanish, Taiwanese and Singaporean, among others, were operating in the disputed waters under the licensing system that the United Kingdom unilaterally modified. It is appropriate to recall here again that, in accordance with Resolution 31/49 of the UN General Assembly, both Argentina and the United Kingdom should avoid adopting unilateral modifications while the controversy over the Malvinas persists." [1476]

In his Christmas message to the Falkland Islanders, Britain's Prime Minister says; *"I want to assure you that the British Government's determination to protect this right [to determine your own future] is as strong today as it was 25 years ago. Based on the fundamental principle of self-determination, we are steadfast in our commitment to uphold your security and the United Kingdom's sovereignty over the Falkland Islands..."*

2006 – January 3rd, Argentina issues its annual press release regarding events in 1833. [1477]

> *"Today, 173 years after that illegitimate occupation which still continues, the Argentine people and the Government reaffirm the imprescriptible sovereignty rights of the Argentine Republic over the Malvinas, South Georgia and South Sandwich islands and the surrounding maritime areas, which are an integral part of Argentine national territory."*

In **February**, Argentina proposes a "*diplomatic meeting*" to discuss the September 1995 agreement on cooperation regarding offshore activities in the south-west Atlantic. The UK declines. [1478]

February 20th, Argentina detains the Falklands registered fishing vessel, *John Cheek*, accusing the crew of illegally fishing in its waters and flying an unrecognised flag. [1479]

March 31st, in New York, the UK's Permanent Representative at the UN writes to the Secretary-General to reject the claims forwarded by Argentina in its January 3rd statement.

"The Government of the United Kingdom of Great Britain and Northern Ireland has no doubts about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, and rejects the claim by the Government of Argentina to sovereignty over those islands and areas and that the Falkland Islands are under illegal occupation by the United Kingdom." [1480]

In the UK, the BBC's twice-weekly programme *Calling the Falklands*, makes its final broadcast.

"..."Calling The Falklands" began in 1944 as a weekly compilation of record requests and personal messages from friends and relatives to the islanders. During Argentina's invasion of the Islands in 1982, it became a daily programme and assumed great importance for providing information about the political and military developments on the Islands as well as in Britain and Argentina. Since the conflict, "Calling the Falklands" has become a regular transmission of news of interest to the islanders, featuring a press review, extracts from Parliamentary debates and personal messages from friends and relatives. The radio service in the Falklands was originally available through a wired loudspeaker into Stanley homes known as "the box"." [1481]

1476 Romero 2020. Not mentioned in a UN GA resolutions after 1984, resolution 31/49 had been replaced.
1477 *UN Doc A/60/647*
1478 *UN Year Book 2007* citing *UN Doc A/61/827. cf.* 1995
1479 Argentina claimed that the vessel was 2 miles within its EEZ while the owners argued that the vessel was in international waters at the time it was stopped. Detained until April, *John Cheek* was released following payment of an administrative penalty.
1480 *UN Doc A/60/743: Letter dated 31 March 2006 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*
1481 *MercoPress* February 24, 2006

"Calling the Falklands, broadcast nightly during the 1982 Argentine invasion, is the latest victim of cutbacks as the World Service shifts its investment to a new Arabic television channel. The programme is made by two part-time staff and costs a few thousand pounds a year to produce." [1482]

April 2nd, in Buenos Aires, Argentina's President Nestor Kirchner, marks the anniversary of his country's invasion of the Falklands, which he describes as a, *"... a crime committed by a cowardly military dictatorship"*. However, he maintains that possession of the Islands; *"... must be a national objective of all Argentineans, and with dialogue, diplomacy and peace we must recover them.."*

"Mr Kirchner succinctly summed up the new approach on April 2 when he spoke at the annual remembrance service for the dead of the 1982 war: "The Malvinas must be a national objective of all Argentinians, and with dialogue, diplomacy and peace we must recover them for our homeland. But dialogue, diplomacy and peace do not mean we have to live with our head bowed"." [1483]

President Kirchner apologises for the *'de-Malvinization*' process started by the first democratic President, Raúl Alfonsín, in 1983; *"Malvinas' combatants, officers, sub-officers and soldiers: forgive us and thank you very much for what you've done for our motherland."* [1484]

Kirchner also announces to his Ministers that he intends to abandon the *'sovereignty umbrella'* arrangements agreed by his predecessor, Carlos Menem. [1485] Argentina's diplomats are instructed to make the Falklands a priority, and to keep the claim prominent. DVD's expounding Argentina's claims are provided for presentation by Argentina's Foreign Ministry officials to their opposite numbers across the world, and to tourists arriving in Buenos Aires.

April 5th, in the Falkland Islands, a population census reveals that there are 2,955 people present, including 477 people in connection with the military garrison, but excluding military personnel and their families.

April 11th, in New York, at the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization.

> *"Action by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State.*
>
> *As at the date of the issuance of the present report, there had been no such notification by a Member State to the fifty-ninth or sixtieth sessions of the General Assembly."* [1486]

1482 *The Times* February 24, 2006

1483 *The Guardian* June 30 2006

1484 Quoted in *Malvinas between dictatorship and national Independence: Argentinian history in CFK's speeches* Paula Salerno 2019. De-Malvinization was an attempt immediately after the 1982 surrender to scrub the Falklands War from Argentina's collective memory; to hide the military failure.

1485 First reports of this appeared in *The Times* in June, 2006. See 1989 and 1990.

1486 *UN Doc A/Ac.109/2006/17* p.16. This paragraph, introduced as a result of the procedural changes of 2003, confirmed that no member of the United Nations had called for a General Assembly debate on the subject of the Falkland Islands in the previous 12 months. Not even Argentina. Considering the aggressive approach adopted by the Kirchner presidency after 2003, this is a mystery. Two decades later (2025) the same paragraph has appeared every year. No explanation has ever been offered by an Argentine administration for its failure to request a discussion. Whatever Menem did in 1989, whatever binds Buenos Aires, it would appear to extend to even those nations that support Argentina. *cf.* 1989, 1999 & July, 2004

May 24th, from Port Stanley, Governor Howard Pearce, in his annual address to the Islanders, accuses Argentina of attempting to "*bully*" the Islanders into negotiations.

"It is understandable that many Falkland Islanders should interpret Argentine actions as a policy of de facto economic sanctions against the Islands, designed to do damage to the Islands' economy and to put pressure on the Islanders to agree to negotiations on sovereignty. I have this message for the Argentine Government. If that is your aim, it is bound to fail. Pressure will prove utterly counterproductive. Falkland Islanders are united in their wish to remain British." [1487]

June 5th, in London, the Foreign Office responds to a letter from the Committee Specialist of the Select Committee on Foreign Affairs. On the question of fisheries:

> *"In the 1990 Joint Statement, both governments agreed to establish the South Atlantic Fisheries Commission (SAFC) in order to hold regular discussions on the management and conservation of fish stocks in the South West Atlantic. The SAFC has met normally twice a year, usually in July and December, under the "sovereignty umbrella", with a representative of the Falkland Islands Government present—as part of the UK delegation. The SAFC is usually preceded by a scientific meeting to share data on fish and squid stocks. The last SAFC meeting took place in Buenos Aires in December 2005. However, it proved impossible to reach agreement on the agenda. The Argentine government also cancelled the scientific pre-meeting, as they had done in July 2005, and declined to take part in the customary Research Cruise to assess the state of illex stocks, although data sharing has continued. The Argentines linked the failure to agree the agenda and the cancellation of the scientific meetings to the adoption of a new fisheries management regime by the Falkland Islands Legislative Council on 26 August 2005. This changed the basis of the Islands' fisheries management system from short term licensing to long term ownership rights of up to 25 years in duration. The system will come into operation for some stocks on 1 July 2006. This was a decision for the Falkland Island Government. It was aimed at ensuring the longer-term viability of the fishing industry and conservation of stocks. We fully support the Falkland Islands Government in its activities to develop and conserve its fisheries. The change in licensing regime does not affect the UK's commitment to co-operate with Argentina within the SAFC (which places no restrictions on the fisheries management regime of either party). We are exploring arrangements for the next meeting of the Commission with the Argentine government."* [1488]

June 10th, Argentina issues its annual press release recalling a Buenos Aires decree of 1829 - "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector."

"On 10 June, the "Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector" (sic), the Argentine nation commemorates the creation in 1829 of the Political and Military Command for the Malvinas Islands and islands adjacent to Cape Horn in the Atlantic Ocean, through a decree issued by Brigadier Martín Rodríguez, acting Governor of Buenos Aires province. Since its inception as an independent nation, the Argentine Republic has demonstrated, through various acts of Government, its firm political will to exercise effective sovereignty over the southern territories and maritime areas that it inherited from Spain." [1489]

1487 Governor Pearce quoted in *Penguin News* May 26, 2006

1488 *Letter to the Committee Specialist from the Parliamentary Relations and Devolution Team, Foreign and Commonwealth Office, 5 June 2006.* See https://publications.parliament.uk/pa/cm200506/cmselect/cmfaff/1329/1329we13.htm

1489 *UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007.* An inheritance from Spain is, at best, moot. *cf.* 1829, 1833 & 1863

From London, Alastair Forsyth of the South Atlantic Council (SAC), sends a letter addressed to the Decolonization Committee of the United Nations (C24). [1490]

"In 2000 (sic) Dr Conrado Etchebarne Bullrich, an Argentine, and I, British, prepared and presented to the Islanders a proposal for the tripartite administration of the Islands by Britain, Argentina and the Islanders. Any proposal acceptable to the Islanders was and is acceptable to the British. The proposal had the tacit approval of the Argentine Government at the highest level. It was not however acceptable to the Islanders. The Islanders feared the Argentines. They said they could not be trusted to keep to the terms of the agreement. In 2001 Dr Bullrich presented the text of the proposal to this Committee, recommending it as fair and realistic. Since then the Argentine Government has changed its previous policy of conciliation. It has instead avoided all contact with the Islanders and used every means of exerting economic pressure. In the meantime, by its treatment of foreign lenders and investors, it has proved the Islanders point, that it cannot be trusted to respect agreements entered into. It is unrealistic therefore for this Committee at this time to press for negotiations on sovereignty. The Islanders are the key. It would be unacceptable not only to British but to world opinion for the population of a small but working democracy to be made subject against its wishes to another power. The Committee should recommend Argentina to reconsider its present policies and, in the decades ahead, commit itself to establishing a new basis for friendship and trust." [1491]

June 14th, on the 24th anniversary of their liberation from Argentine forces in 1982, remembrance services are held in the Falklands.

June 15th, at the UN, the Special Committee on Decolonization commences its debate on the Falklands. [1492] Representing the Falklands peoples are Richard Stevens and Richard Davies from the Islands Government. Maria Angelica del Carmen Vernet and Dolores Reynolds are accepted as petitioners for Argentina.

"In rejecting Argentina's claim to the Falklands, Councillor Stevens portrayed the Islands as a modem, mature, vibrant and multi-cultural community and asked, "Why would we want to change our stability or our identity of over 170 years to embrace the alien ideology of a different people?" He told the Committee, "We celebrate 24 years of being liberated this week. We also celebrate our achievements, our confidence and most of all our society as a people. We would also like to have a normal relationship with our neighbour Argentina". Councillor Davies spoke of a "cold war " which has developed in the South Atlantic. "We are very disappointed that the current Argentine government appears to have taken steps deliberately designed to damage our economy. Economic sanctions such as refusal of permission for commercial flights to cross their air space, and threats to fishing companies and other shipping interests appear to be part of a deliberate programme. How else can it be interpreted? We regret the recent failure to hold full meetings of the South Atlantic Fisheries Commission. We regret too the steps which the Argentine government has taken to dissuade its scientists from collaborating in, or contributing to any work in which the Falkland Islands are involved." This "cold war". Councillor Davies said, will not succeed in making Falkland Islanders surrender their rights, adding, "it will only strengthen our resolve"." [1493]

1490 For information on the South Atlantic Council, see 1983, 1984 & 1985

1491 *Penguin News* July 7, 2006. The Forsyth/Bullrich proposal first appeared on March 6, 1998, published in the local Falklands weekly journal, *Penguin News*. In May, 1998, the two authors sought Islanders' opinions at an open meeting in Stanley and subsequently presented an updated plan in July, 1998. They then submitted their plan to a seminar in Argentina in October, 1998. Rejected by Foreign Secretary Robin Cook in January, 1999. In June, 2001, Conrado Bullrich presented the proposals to the UN Special Committee on Decolonization as an independent petitioner. As with all plans of this kind, it missed a fundamental point – the Islands belong to the Islanders.

1492 *UN Doc A/61/23*. See also working paper *A/Ac.109/2006/17*

1493 *Penguin News* June 16, 2006

"The elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands." [1494]

Bolivia, Chile, Cuba and Venezuela jointly introduce a draft-resolution calling for negotiations.

> "*... Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas), 1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."* [1495]

Argentina's new Foreign Minister, Jorge Taiana, addresses the Committee as an observer; *"Paragraph 6 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, resolution 1514 (XV) of the United Nations General Assembly,... authorizes this Committee to examine colonial questions involving sovereignty disputes."* [1496]

As in previous years, the draft-resolution is accepted without a vote; *"It adopted a resolution requesting Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation by resuming negotiations to find a peaceful solution to the sovereignty dispute relating to the Territory as soon as possible ..."* [1497]

June 25th, from Uruguay, *MercoPress* reports;

> *"A "drastic change" in Argentina's policy towards the Falklands/Malvinas dispute including a dismantling of the "sovereignty umbrella" was openly admitted by President Nestor Kirchner's administration in reports published over the weekend in Buenos Aires main dailies and attributed to sources with access to the "president's office". According to those reports the stronger Argentine attitude which has "no rush or timetable" will definitively bury the "seduction" policy of the nineties under former president Carlos Menem and his Foreign Secretary Guido Di Tella, when the objective was to conquer the goodwill of the Islanders and reap a positive opinion of Argentina. ...*
>
> *However the articles in the Buenos Aires press point out that the new emphasis is no surprise: President Kirchner anticipated it with his hard line approach regarding the ban on additional charter flights to the Islands; limiting fisheries cooperation and in his speech on Malvinas Veterans Day April 2, when he called on Britain to negotiate "in good faith" adding that dialogue, diplomacy and peace do not mean "living with heads in submission".*
>
> *Last year Argentina formally presented the British Embassy in Buenos Aires 15 letters of protest claiming "unilateral actions" undertaken by the Islands in fisheries and oil affairs. Furthermore*

1494 *UN Doc. A/Ac.109/2007/13* referring to *UN Doc A/61/535*

1495 *UN Doc. A/Ac.109/2006/L.8.* "*Special & Particular*" was a phrase that did not appear in Special Committee draft resolutions until 1989. One year after the last UN GA resolution in 1988.

1496 *UN Doc. A/Ac.109/2007/13.* Speech in full on pages 14 to 16. A novel interpretation when the United Nations itself has no specific remit nor power from its Charter to consider issues of sovereignty. The only remit of the Decolonization Committee is to pursue the objectives laid out in UN resolution 1514 of 1960.

1497 *UN Doc A/Ac.109/2006/L.8.* See October 2, 2006, below

Foreign Affairs Minister Jorge Taiana has repeatedly denounced in international forums, "UK's unilateral actions" insisting that 24 years since the end of the war, "the provisional agreements reached, unfortunately have not facilitated the path for the reestablishment of talks on sovereignty". ...

The two articles also quote British diplomatic sources which allegedly admitted that the Foreign Office was aware of the policy changes but also cautioned that "this will not lead Argentina to find a solution, but rather a greater resoluteness", (from) both the UK and the Islanders."

June 27th, in Buenos Aires, following statements from Argentina's Lower House Foreign Affairs Committee, the British Embassy denies that there can be any negotiations regarding Falklands sovereignty unless the Islanders wish it.[1498]

June 29th, a Congressional Observatory is established in Argentina. Described by local newspapers as consisting of seven politicians and seven academics led by the head of Argentina's Foreign Relations Committee, Jorge Arguelo. Among the stated purposes of the Observatory is the dissemination of information to Argentina's schoolchildren, promoting their country's arguments in favour of its sovereignty claim.

"Brainwashing schoolchildren over the Falklands is a time honoured Argentine tactic." [1499]

Some 200 diplomats, journalists, ex-combatants and legislators attend the Observatory's launch.

Britain's *Guardian* newspaper reports: *"There are three perennial passions in Argentina: football, the tango and the country's claim to the Falkland Islands ... In the latest of a series of provocative moves - at least as seen from the Falklands and the Foreign Office - the Argentinian parliament yesterday established a special commission to investigate how to win control of the islands ... "Kirchner views the Malvinas question with a Patagonian eye, a view hardened by the geographic proximity and the war," according to a Buenos Aires-based political analyst, Rosendo Fraga. "I don't think it was Kirchner's original intention but the sovereignty issue has provided a rallying point to gather left-leaning Latin American governments into an anti-colonial bloc". ... British government officials are privately dismissive, seeing the sudden renewed interest in the islands as little more than a piece of political cynicism motivated by Mr Kirchner's drive for re-election next year."* [1500]

June 30th, at the end of the Islands' financial year; *"In 2005-2006, the revised estimate for total revenue was £50 million, of which £16 million came from fisheries, £10.7 million from investment income, £8.5 million from taxation and £4.8 million from public works. During the same period, the revised estimate for expenditure was £41 million. An economic review was undertaken in October 2006 by the Foreign and Commonwealth Office and Oxford Policy Management. It found that "overall, the Falkland Islands is well managed from a fiscal and public finance management perspective" and that "the quality of governance is high, with generally sound and improving execution"."* [1501]

July 1st, from Buenos Aires, on the day it comes into operation, Argentina rejects the implementation of the new 25 year licensing regime in the Falklands; *"... which constitutes a long-term illegal and unilateral disposition of fisheries resources in the maritime areas surrounding the Malvinas Islands, .."* [1502]

July 11th, in Argentina, the deputy chairman of the Senate Foreign Relations Committee, Rodolfo Terragno, describes the British claim that Islanders' have the right of self-determination as a *"farce."* [1503]

1498 *MercoPress* June 28, 2006
1499 *Falkland Islands Newsletter* November 2006 p.15
1500 Full article available here - https://www.theguardian.com/world/2006/jun/30/argentina.ewenmacaskill
1501 *UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1502 *UN Doc A/AC.109/2007/13*
1503 *Agencia de noticias oficial de la República Argentina*

July 20th, in New York, the Special Committee on Decolonization publishes its annual report for 2006. Yet again, the Committee does not include its Falklands resolution among those recommended for adoption by the General Assembly. [1504]

July 28th, Argentina's government rejects British ratification of the *Agreement on the Conservation of Albatrosses and Petrels* as it extends to the Falklands, South Georgia and the South Sandwich Islands and the British Antarctic Territory – but then, itself a signatory, immediately ratifies the agreement on behalf of those same territories.

July 30th, Argentine magazine *Perfil* refers to a report titled – *The Fallacy of Self Determination*. Compiled by Tierra del Fuego Deputy, Daniel Gallo, this dismisses Falklanders rights to self-determination as they are not an indigenous population. [1505]

"The Argentine Parliamentary Observatory, the committee tasked by Nestor Kirchner's government to forward their claim to the Falklands, says Britain is not entitled to assert self-determination for Islanders since the population was "implanted". ... According to Observatory member. Deputy Daniel Gallo, the results reflect, "...that the Islands population is not originate, which would obstruct Britain's claim that the current inhabitants of the Islands have a right to decide on the territory's sovereignty", the Buenos Aires magazine Perfil reported this week. The report indicates that, according to the 2001 Falklands census, of the total 2,971 Falklands inhabitants, 48% were born in Great Britain or Commonwealth members and only 45% originate from the Islands. The remaining 7% were born in other countries." [1506]

"Argentine writers and politicians attempt to get round the problem of the resistance of the Falkland Islanders by asserting that they do not have the right of self-determination because they are an "implanted population", ... That is untrue, and even if it were true, it would be no bar to self-determination – the populations of all the Caribbean islands were established by the colonial powers Spain, France, the Netherlands and Britain. And the Seychelles, for example, were uninhabited when discovered by the Portuguese in the 16th century; France established the first population there from the 1770s, and Britain took more people there from 1814 onwards. No one would dream of saying that the peoples of those places do not enjoy the right of self-determination." [1507]

August 3rd, from Stanley, Islands' Councillors respond to the Observatory report leaked in *Perfil*.

"...the right to self determination is not the sole preserve of indigenous populations. The UN Covenant makes no reference to indigenous or native populations in any of its references to self determination." [1508]

Britain and Argentina agree through an exchange of notes that any de-mining should include all unexploded ordinance within the mined areas. A *"field-survey"* is to take place at an unspecified date.

1504 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2005 A/61/23*

1505 Self-determination of peoples is a right written into the UN Charter and, as such, is recognised in international law. More specifically, the right is written into UN GA resolution 1514 making it applicable to all the listed non-self governing territories that that resolution applies to, including the Falkland Islands. "*Indigenous*" is not a word that appears in resolution 1514. Rather hypocritical when considered against Argentina's own population, over 90% of which claim European heritage – mainly Spanish or Italian. *cf*. 2019

1506 *Penguin News* August 4, 2006

1507 Pascoe 2020 p.276

1508 Statement by Councillors reported in *Penguin News* August 4, 2006

"As a result of the 1982 conflict, there are over a 100 mine fields, containing some 20,000 mines, in the Falkland Islands. The 1999 UK/Argentine Joint Statement and 2001 Exchange of Notes, established a mechanism to discuss possible clearance. Since then, talks have continued between the two governments, with a view to reaching agreement to satisfy the UK's international obligations on the destruction of anti-personnel mines in the Falkland Islands under the Ottawa Convention. We are negotiating the modalities of a joint feasibility study which we plan to undertake before the end of 2006." [1509]

"On 3 August 2006, another agreement covered by the formula on sovereignty was concluded, in addition to that of 11 October 2001. It established the inclusion of unexploded ordnance inside the mined area within the scope of the 2001 exchange of notes and a procedure to contract a private company to undertake some specific works foreseen in the main study phase, including a field survey in the Falkland Islands." [1510]

In Argentina, on the same day, Congress proposes an amendment to law *23.775* of 1990, which had created the Province of Tierra del Fuego, but had included two Chilean islands in its description of the provincial area. As a result it had not been fully implemented. Congress suggests an amendment and, in doing so, considers Argentina's sovereignty claims in relation to the Falkland Islands. [1511]

> *"It can be stated without hesitation that the titles held by the Argentine Republic are fundamentally based on* ***effective occupation***.[1512]
>
> *The fact is of primary importance to legally resolve the pending issue: because in 1766, the year the problem originated, the rule of effective occupation prevailed in the international arena as an essential title for the acquisition of territorial sovereignty;*[1513]
>
> *2) because it is known that England had been upholding the rule ofoccupation;*
>
> *3) because the discovery as an acquisitive title, in force for Spain and Portugal inter se by virtue of the bull of (Pope) Alexander VI, could not be invoked against Spain and Portugal by countries, such as England, who were unaware of the papal decision and consequently did not comply with the correlative duties that emanated from it;*
>
> *4) because the English occupation only has negative characters; it was illegal, because it violated the existing treaties; it was clandestine, that is, it was kept hidden until the moment when the Spanish came to verify it; it was late, because it happened after the occupation carried out by the French, who*

1509 *Letter to the Committee Specialist from the Parliamentary Relations and Devolution Team, Foreign and Commonwealth Office, 5 June 2006*

1510 *UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007*

1511 *Document 4302-D-06* of Aug 3, 2006. Inaccuracy and distortion, but this does lay out Argentina's official foundation for its claim as regards the Falkland Islands. Condensed, Argentina believes that, on independence, it obtained automatically the rights Spain had held, or that it would like to believe that Spain had held. Something that Argentina has never been willing to have tested in a court of law. Worthy of note that Spain maintained its own claims and did not fully recognise Argentina as an independent nation until 1863; by which time there were no Spanish Falklands left for anyone to inherit. See - https://www.tierradelfuego.gob.ar/wp-content/uploads/2016/02/Modificación-del-Art.-1º-de-la-Ley-Nº-23.pdf

1512 My emphasis. It is generally accepted that effective occupation needs to be over a substantial number of years with the number 30 being regularly mentioned. Buenos Aires made its claim official in September, 1829, but saw its settlement ejected by the USS *Lexington* in December, 1831, and again by the British in January, 1833. Hardly effective.

1513 Argentina only declared its independence in 1816, arguably attaining it in 1823. This reference is to the Spanish period which commenced in the Islands in 1767, but was limited to Soledad Island. In 1771, Spain recognised the British in possession of the western Islands. When Spain withdrew in 1811, it claimed only that one island. Argentina is not Spain, and contrary to its many claims, there was no automatic transfer of territory from Spain, which maintained its own claims until 1863. The Viceroyalty also included what is now Uruguay, Paraguay and part of Bolivia.

transferred it to Spain; it was contested, because Spain resisted it and finally made an explicit reservation; it was partial, because it was reduced to Port Egmont and in the meantime Spain possessed Puerto Soledad; it was very brief because it only lasted eight years; and it was precarious, since from 1774 it was abandoned; [1514]

5) because the Spanish occupation was prior to the English, it coexisted alongside it without being disturbed and continued to exist after the abandonment by England.[1515]

Thus, our country bases its claims for sovereignty based on the principle of uti posidetis juris (you will possess what you possessed). This principle of State succession is made effective and legitimized in the principle of self-determination exercised in 1810 by the United Provinces of the Río de la Plata. [1516]

According to the historical claim of the Argentine Republic, we emphasize that the principle of self-determination is not applicable to the issue of the Falkland Islands. Precisely, with regard to this principle, the specificity of the Malvinas question lies in the fact that the United Kingdom occupied the Islands by force in 1833, expelled their original population and did not allow their return, violating Argentine territorial integrity.[1517]

Thus, the possibility of applying the principle of self-determination is ruled out, since its exercise by the inhabitants of the islands would cause the breakdown of national unity and territorial integrity of Argentina. ... it is significant to note that the Falkland Islands are located a ***short*** *distance from the Argentine mainland.* [1518]

In addition to these arguments, regarding geological continuity, the archipelago is located within the Argentine continental shelf, constituting a Patagonian detachment that forms the so-called southern basin, being part of the arch of the South Antilles. Thus, the rights of our country and those of our province over the Falkland Islands are framed, once again, in the defense of our territorial integrity."[1519]

"The principle of uti possidetis does not imply that a state created in the wake of a process of decolonization will necessarily acquire the same territorial rights as the previous colonial power, without regard to the geographic territorial unity of the colonial empire, and the occupation of the territory in question by the newly created state... In consequence, it has to be concluded that Argentina did not acquire the Islands in 1816 automatically after independence, without regard to the principle of effective occupation. Spanish territorial rights over the Islands continued." [1520]

August 25th, at Stanley, Alan Huckle arrives as Governor of the Falkland Islands.

"The Falkland Islands may have a new Governor but the message to Argentina remains the same there is no room to manoeuvre on sovereignty." [1521]

September 6th, in London, the mandate of the South Atlantic Fisheries Commission is reviewed.

1514 None of these claims suffer scrutiny.
1515 Britain arrived in 1765. Spain in 1767.
1516 Self-determination, as a legal principle, did not exist before 1945. The United Provinces was not declared until 1816.
1517 Again, none of these claims suffer scrutiny.
1518 My emphasis. Short being 393 km/ 244 miles (Tierra del Fuego)
1519 Argentina is not a continent, and shares the South American continental plate with a number of other nations and territories. See 1958 and 1991. Law *23.775* was not finally amended until 2009. *cf.* 1990
1520 *The Territorial Status of the Falkland Islands: Past and Present* Rudolf Dolzer 1993 p.61
1521 *Penguin News* September 1, 2006

Referring to the Joint Declaration of November 28th, 1990, the Government of Argentina maintains that; *"This Declaration is one of the provisional understandings — under the formula of guaranteeing sovereignty — that exist between Argentina and the United Kingdom, whose principal objective is to contribute, through cooperation in the conservation of fishing resources, to an adequate atmosphere for the renewal of negotiations geared towards the resolution of the sovereignty dispute over the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding seas through the renewal of bilateral negotiations, fulfilling resolution 2065 (XX) of the United Nations General Assembly and other resolutions of this Organization. However, the United Kingdom, since the very year of the adoption of the Joint Declaration, turned to unilateral measures contrary to the bilateral understandings on cooperation for the conservation of fishing resources in the disputed maritime area and to the mandate of General Assembly resolutions. They defrauded the objectives and goals of the Joint Declaration and of the Commission itself. At the same time they contradict United Nations resolution 31/49."* [1522]

In Buenos Aires, the Argentine Senate approves a bill increasing sanctions for 'illegal' fishing.

"The system implemented by the Government... toughening sanctions against fishing vessels operating in the area of the islands with the consent of the islanders but without Argentine permission and raising (or updating) fines for foreign-flagged vessels to between 3 and 6 million pesos, ... This bill was approved in September 2006 in the Senate but encountered some difficulties and will only be sanctioned during the Fernández de Kirchner administration." [1523]

September 20th, in New York, at the opening of a new session of the UN, President Kirchner informs the General Assembly of his "*regret*" that Britain refuses to negotiate the question of sovereignty. [1524]

> *"Since 1965 the "Question of the Malvinas Islands" — which comprises the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime area — has been considered by the United Nations. The General Assembly and the Special Committee on Decolonization have defined this question as a particular and special case that differs from traditional colonial situations in that it involves a sovereignty dispute that needs to be resolved by means of bilateral negotiations between my country and the United Kingdom, in accordance with what was established in resolution 2065 (XX) and other relevant resolutions. We cannot but point out that the Government of the United Kingdom persists in ignoring these General Assembly resolutions. I would nevertheless like to reaffirm once more the permanent readiness of our country for a constructive dialogue with the United Kingdom and to call upon them to promptly heed the request of the international community to resume the negotiations"* [1525]

September 27th, in the UK, the *Guardian* newspaper reports that a new book is to be distributed to every secondary school pupil in Argentina explaining how the British *"illegally"* colonized the Falkland Islands.

1522 *UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007.* In fact the joint statement of November, 1990 made no mention of any renewal of negotiations. See - https://falklandstimeline.files.wordpress.com/2018/01/1990-joint-statement-on-the-conservation-of-fisheries.pdf

1523 Romero 2020

1524 *UN Doc A/61/PV.13* and *UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007*

1525 More untruths. While the Falkland Islands are listed at the United Nations for the purposes of decolonization, South Georgia and the South Sandwich Islands have never been so listed or considered in any regard by the General Assembly. Nor has the General Assembly ever defined the Falklands question as a "*particular and special case.*" The last UN resolution in 1988 had had its terms met. Presumably to the satisfaction of the UN, as there have been none since. Resolution 2065 (XX) of 1965 was effectively buried at the UN in 1985 when it was replaced.

September 28th, in Argentina, on the 40th anniversary of Operation Condor, the Chamber of Deputies approve a declaration of homage for that action. [1526]

October 2nd, in New York, the UN's Fourth Committee reviews the work of the Special Committee on Decolonization regarding the Falklands issue. Speakers include Brazil's Piragibe Tarrago, on behalf of the MERCOSUR countries, who erroneously states that resolution *2065 (XX)* limits the principle of self-determination to people who are oppressed. Replying, the UK reminds the committee that its position is well known. [1527] With no recommendation from the C24, its Falklands resolution is not passed on to the General Assembly for adoption.

October 4th, in a letter to the Secretary-General, the UK exercises a right of reply to President Kirchner's speech of September 20th; *"... no negotiations ... unless and until such time as the Islanders so wish."* [1528]

Argentine Deputy Jorge Argüello visits London to speak to the British-Argentine All-Party Parliamentary Group. [1529]

November 2nd, in Paris, France, the Joint Working Party on mine clearance meets; *"The twelfth meeting of the United Kingdom-Argentine Joint Working Party was held in Paris, on 2 and 3 November 2006, with the participation of representatives and experts of the United Kingdom and Argentina. The meeting was held in accordance with the understanding recorded in the exchanges of notes of 11 October 2001 and of 3 August 2006, and was covered by the formula on sovereignty included in those notes. At the meeting a contract was signed between the Argentine Government and Cranfield University, following the selection of Cranfield University by the Joint Working Party to carry out certain tasks of the main phase of a feasibility study for mine clearance in the Falkland Islands (Malvinas). Subsequently, Cranfield University carried out a field survey in the Islands in December 2006, which was monitored by two experts from each country."* [1530]

In Buenos Aires, the Legislature consider a bill criminalizing fishing in Falklands waters where the vessel also has an Argentine fishing licence. Such activities are determined to be *"illegal fishing"* and will result in the offender losing their Argentine licence; described as an; *"... end (to) the insult to the Argentine people."*

November 30th, in Tierra del Fuego, during an Observatory meeting at Rio Grande, Hugo Coccaro, Governor of the Province, proclaims himself; *"... proud to be the Governor of the Falkland Islands."* [1531]

In **December**, in Buenos Aires, the Kirchner Government introduces a new education law. This requires that the "*recovery*" of the Falklands be added to the national curriculum; to inform; *"... the exercise and construction of the collective memory of the recent history..."* [1532]

"These educational policies are part of a national policy which fosters the intellectual exercise of approaching the question of Malvinas in its whole range: understanding the history of the usurpation in 1833; knowing and expanding the legitimate Argentine arguments to demand the sovereignty over the South Atlantic; revising the Military Junta's misguided decision to prosecute the war; paying homage to those who fought in the islands." [1533]

1526 An incident in which an extremist Argentine group hijacked a plane and made the pilot fly to the Falkland Islands. Within 48 hours, the hijackers had been arrested and deported. Another pointless gesture. See 1966.
1527 *Fourth Committee* Press Release *GA/SPD/341*
1528 *UN Doc A/61/535*
1529 *MercoPress* November 27, 2006
1530 *UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007*
1531 The Province of Tierra del Fuego's boundaries had not been legally determined when this statement was made.
1532 *National Law on Education No. 26206, Article 92*
1533 *Malvinas in the University – 2012 Essay Contest* published March 27, 2013 p.6

"La Cuestión de las Islas Malvinas remains one of only three obligatory subjects that schoolchildren must learn under the National Education Law. Symbols of Argentina's sovereignty claim are omnipresent in street-names, on school buildings, commemorated in town squares, are a popular choice of tattoo, a regular theme of street demonstrations and a fixture in the school curriculum." [1534]

December 14th, in New York, at the UN, the General Assembly adopts resolution 61/123 concerning – *Economic and other activities which affect the interests of the peoples of the Non-Self Governing Territories*. [1535]

> *"1. Reaffirms the right of peoples of Non-Self-Governing Territories to self-determination in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as their right to the enjoyment of their natural resources and their right to dispose of those resources in their best interest; ...*
>
> *2. Affirms the value of foreign economic investment undertaken in collaboration with the peoples of the Non-Self-Governing Territories and in accordance with their wishes in order to make a valid contribution to the socioeconomic development of the Territories;*
>
> *3. Reaffirms the responsibility of the administering Powers under the Charter to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories, and reaffirms the legitimate rights of their peoples over their natural resources; ...*
>
> *5. Reaffirms the need to avoid any economic and other activities that adversely affect the interests of the peoples of the Non-Self-Governing Territories;...*
>
> *8. Invites all Governments and organizations of the United Nations system to take all possible measures to ensure that the permanent sovereignty of the peoples of the Non-Self Governing Territories over their natural resources is fully respected and safeguarded in accordance with the relevant resolutions of the United Nations on decolonization;*
>
> *9. Urges the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable right of the peoples of the Non-Self Governing Territories to their natural resources and to establish and maintain control over the future development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories in accordance with the relevant resolutions of the United Nations on decolonization;...*

In Argentina, on the same day, National Education Law no.26,206 is enacted. Art.92 mandates the inclusion of content related to the Falkland Islands, to emphasise Argentina's sovereignty claim and its historical narrative, across all levels of education.

December 22nd, at the UN; *"... the Assembly decided that the agenda item on the question of the Falkland islands (Malvinas) would remain for consideration during its resumed sixty-first (2007) session (decision 61/552)."* [1536]

Britain's Prime Minister Tony Blair sends a Christmas Message to the Falkland Islanders.

> *"Based on the fundamental principle of self-determination, we are steadfast in our commitment to uphold your security and the United Kingdom's sovereignty over the Falkland Islands."*

1534 Levey & Ozarow 2021

1535 In full here - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/501/81/PDF/N0650181.pdf?OpenElement

1536 *UN Year Book 2006*. The wording is, in effect, saying that the question of the Falklands would remain open for the rest of the 61st session. The subject was not raised again during that session. *cf.* 2004 & 2005

2007 – January 3rd, in its annual press release claiming that their countrymen were ejected from the Falklands in 1833, Argentina also complains that; *"... the United Kingdom continues to refuse to address the question of sovereignty and has increasingly taken unilateral actions, which do not contribute to bilateral cooperation and are also contrary to the call by the United Nations to refrain from adopting unilateral measures. Argentina considers that the United Kingdom's refusal to address the question of sovereignty is incomprehensible, ..."* [1537]

January 12th, en-route to Antarctica, HRH Princess Anne visits Stanley.

January 15th, in its annual response to Argentina's annual press release, the UK rejects the claims. [1538]

The Washington Post reports that the Argentine Government has issued official complaints concerning the Falkland Islands, at a rate of one per month during 2006.

To celebrate a visit to the British Antarctic Survey's Rothera Research Station by HRH Princes Anne, the Antarctic Place Names Committee designates a mountain range in the south of Adelaide island, Antarctica as the Princess Royal Range. [1539]

January 23rd, in New York, Argentina's Foreign Minister Jorge Taiana meets the new UN Secretary-General.

"Jorge Taiana met Mr Ki-Moon on Tuesday at the United Nations building in New York, the first time the officials have met since the Korean diplomat took up his new role earlier this month. "It was a good meeting, and it's very important that Argentina should underline the significance that the Malvinas issue has for us," Mr Taiana was quoted as saying by Argentina's official news agency. Mr Taiana said he formally requested that Mr Ki-Moon renew his efforts to achieve, ".. the resumption of a dialogue with the United Kingdom," and the UN Secretary General showed, "his knowledge of the issue and his willingness to address it." ... Mr Taiana said that Mr Ki-Moon, "...recognised Argentina's efforts in starting sovereignty talks," in spite of Britain's "contrary" attitude." [1540]

In **February**, Britain proposes a joint commemoration, in honour of the dead on both sides, for the 25th anniversary of the Falklands War. Argentina declines; viewing the proposal as a celebration of Britain's victory.

March 1st, the Falklands' Government publishes its most recent census.

"Today, according to the results of the latest Falkland Islands Census held on October 8th 2006, the average Falkland Islander is between 30 to 44 years old and lives in the Falkland Islands (Malvinas) only town, Stanley, where he works an average of 49 hours per week for the Government, for which he is paid between £12,000 to £14,000 per year. .... Leaving aside all people, military or otherwise, connected with the military garrison at Mount Pleasant, and also excluding persons temporarily present in the Islands or any estimate of those normally resident, who were temporarily absent on the night of October 8th 2006, the population of the Falkland Islands, was found to be 2,478. The figure of 2,478 shows a 4.16% increase since the last census and represents the Islands biggest population since 1931, barring the 74 days of Argentine occupation in 1982. It also represents increases of 665 persons since 1980 and 562 since 1986. The total civilian population of the archipelago, usually reckoned to be of equal land area to Wales or Connecticut, numbers 2,955. This figure, which includes civilians connected with the military establishment at Mount Pleasant, but not military personnel or their families, represents an increase of some 1.44% since the last census was held in 2001. The

1537 *UN Doc A/61/692*

1538 *UN Doc A/61/698.* Same wording as in previous years.

1539 Adelaide Island sits to the west of the Antarctic Peninsula in an area also claimed by both Argentina and Chile. There was no protest from either.

1540 *Penguin News* January 26, 2006

count also excludes persons temporarily present in the Islands or any estimate of those normally resident, who were temporarily absent on Census Night. Although the rate of immigration into the Falklands is showing signs of a slight slow down, the number of residents of more than ten years standing has increased from 1,507 in 2001 to 1,557 in 2006. Also on the rise, but to a lesser extent from 1,325 in 2001 to 1,339 in 2006 - is the proportion of the population born in the Islands, which now stands at 54.2%. The next biggest group by birth is made up of people from UK or St. Helena, who amount to a further 31.9% of the population. Table 10 of the comparative statistics part of the census report shows those present in the Falklands on the night of the census being born in a surprising total of 56 different countries, though this number reduces to a still cosmopolitan 25 different nationalities represented. Fastest rising group by citizenship are the Chileans, whose numbers have risen to 104 from 39 in 2001." [1541]

In Argentina, on the same day, addressing the National Assembly, President Nestor Kirchner promises a year of *"intense diplomacy"* to 'recover' the Falkland islands. [1542]

March 14th & 15th, in Buenos Aires, an Anglo-Argentine meeting reviews the mandate of the joint South Atlantic Fisheries Commission. The Falkland islands' Director of Fisheries, John Barton, participates.

Argentina maintains that the existence of the commission; *"... is one of the provisional understandings... that exist between Argentina and the United Kingdom, whose principal objective is to contribute, through cooperation in the conservation of fishing resources, to an adequate atmosphere for the renewal of negotiations geared towards the resolution of the sovereignty dispute over the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding seas ..."* [1543]

"... no results were achieved. ... the Kirchnerist fishing policy sought ... on the one hand, to ensure that Argentine vessels compete with foreign vessels and discourage them from being within mile 201, since if they achieved this, it would be difficult for the Falkland Islanders to sell their licenses. On the other hand, the aim was to strengthen the national jurisdictional presence in the area." [1544]

March 21st, a research paper is published by Britain's House of Commons Library, examining the status of the Falkland Islands 25 years after the 1982 war.

"Among the issues it looks at are the ongoing dispute between the UK and Argentina over sovereignty of the islands, the progress of the Constitutional Review which was announced in 2000, defence issues associated with the Falkland Islands and the progress that has been made in revitalising its economy." [1545]

March 27th, from Buenos Aires, Argentina's Minister for Foreign Affairs, Jorge Taiana, sends a note to the British Foreign Secretary in London.

> *"... during the eighth meeting of the Southwest Atlantic Hydrocarbon Commission, held on 27 July 2000, the two parties acknowledged that there were differing interpretations of the area to which this understanding applies. The Argentine Republic considers that the area of cooperation, in accordance with the text of the Joint Declaration and its object and purpose, is the entire maritime area surrounding the Malvinas Islands disputed between Argentina and the United Kingdom. The United Kingdom does not share that interpretation.*

1541 *MercoPress* March 1, 2007
1542 *MercoPress* March 2, 2007
1543 *UN Doc A/Ac.109/2007/13*
1544 Romero 2020
1545 *The Falkland islands: Twenty Five Years On* Research Paper 07/29 March 21, 2007. Full report here - https://falklandstimeline.files.wordpress.com/2018/05/the-falklands-25-years-on-2007.pdf

In acknowledging the diverging views, both Governments agreed that it would be appropriate to take some time to reflect on the issue …. during this period of reflection, the United Kingdom has continued to carry out unilateral actions that run counter to the Declaration of 1995, which expressly provided for joint actions by both Governments in the disputed area...

The attitude of the United Kingdom has also failed to contribute to the establishment of a favourable climate for the resumption of negotiations on sovereignty, which the United Nations has repeatedly urged. … therefore there is no sense in continuing the period of reflection, which leads to the conclusion that is not possible to apply the Joint Declaration of 27 September 1995.

Therefore, the Argentine Republic considers that provisional agreement to be terminated from the date of the present note." [1546]

A spokesman for the British Embassy in Buenos Aires tells the press; *"We regret the Argentine decision, it sends a political signal in a sensitive year."* [1547]

Foreign Minister Jorge Taiana also speaks to the press; *"...the 1995 joint (UK/Argentina) declaration stated that the exploration had to be done in the maritime areas subject to the sovereignty dispute, but the United Kingdom pretended to limit cooperation with our country to an area of 21 square kilometers. The 1995 declaration had no advantages for Argentina. The Argentine decision puts an end to an instrument by which the United Kingdom pretended to justify its illegitimate and reiterated unilateral actions exploring areas of the Argentine continental platform with the purpose of exploring for resources that belong to the Argentines ... unfortunately the intransigent persistence of the United Kingdom has impeded a frank dialogue."* [1548]

"The 1995 agreement was accompanied by joint declarations, each stating the full claim by each side to all the territory involved. The agreement itself was vaguely worded too – it had to be, to get any agreement at all. But there is no doubt about the meaning put on the agreement at the time it was signed. It was to allow Falklands' oil exploration to go ahead inside Falklands' waters,... and without interference or government involvement by them. An area straddling the borders of Falklands and Argentine waters was designated to be exploited jointly, although, Argentina subsequently showed no interest in this. But its existence proves that oil development inside Falklands' waters was intended to be by the Falklands alone. If it had been otherwise, there would have been no need for such a joint area at all." [1549]

"Néstor Kirchner's peculiar interpretation of what constitutes a "dialogue" is obvious ... It states that the British government may regard the areas of cooperation as steps in a process aimed at maintaining good relations; but until the day arrives to talk about sovereignty, the cooperation of Argentina's government was only meaningful if it led to "pertinent negotiations". The text states: "Argentina is not against cooperating with the UK [...] but only if such cooperation will contribute to create the necessary conditions to restart the dialogue to solve the controversy over sovereignty and in this way end, in a peaceful and lasting way, this anachronistic colonial dispute."..." [1550]

1546 *UN Document A/61/827: Letter dated 28 March 2007 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General. cf.* September 27, 1995

1547 *MercoPress* March 27, 2007

1548 *Ibid.*

1549 *Argentina Repudiates Joint Declaration over Oil* Robert Jones in *Mercopress* November 9, 2007

1550 *Argentina y Las Malvinas: in search of reality* Celia Szusterman 2010

"This pause lasted until 2007 when Foreign Minister Jorge Taiana, from the new Kirchner administration, terminated the agreement, indicating the lack of British will, the incompatible interpretation of the parties regarding the terms of the declaration and the permanent violation of Great Britain from international resolutions. Although it is clear, and it should be noted, that throughout the various administrations the objective was always that the English tenders to explore and exploit what was discovered were carried out jointly, with Argentine participation. A modest aspiration, which England did not satisfy. What crudely evidences something that was always very clear, beyond diplomatic formulations, the "umbrella of sovereignty" was a British shield that left out an issue that could not be excluded since "sovereignty" encompasses and materializes in the possession of fishing, oil resources, etc. Therefore, all the negotiations ended in failure. But failing only for Argentina, for the British they were resounding successes, materially verifiable." [1551]

"In addition to the denunciation of the 1995 agreement, the National Energy Secretariat issued Resolution 407 in 2007 to improve the means available to the Argentine State to discourage and, where appropriate, sanction hydrocarbon activities on the Argentine continental shelf that could be carried out without the proper permission of the competent national authority." [1552]

On the same day, the UN's Secretariat produces its annual working paper on the Falkland Islands.

> *"Action taken by the General Assembly: 63. By adopting resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the General Assembly at its fifty-ninth, sixtieth or sixty-first sessions."* [1553]

March 29th, Argentina's Energy Secretariat announces a '*resolution*'; *"... prohibiting the inclusion in the Oil Company Register of individuals or companies that were - directly or indirectly – owners, shareholders or contractors of, or that maintained profit relationships with: a) companies that develop or have developed hydrocarbon activities on the Argentine continental shelf, without being authorised to carry out hydrocarbon exploration or exploitation by an Argentine authority, ..."* [1554]

"Argentina took a step further Thursday in its diplomatic rift with the United Kingdom by announcing the creation of a register of oil companies which will not be allowed to operate on the mainland if engaged in exploration or any kind of production on the Falkland Islands." [1555]

April 1st, Argentine journal *Pagina 12* carries an interview with Foreign Minister Jorge Taiana.

"In a long Sunday interview in the Buenos Aires tabloid Pagina 12, Foreign Affairs minister Jorge Taiana criticized parades planned in London for the anniversary as evidence of a typical "arrogance gesture" from Prime Minister Tony Blair. "What they are planning to do it's not as he (Tony Blair) says, a commemoration but a militaristic victory parade, a typical arrogance gesture", underlined Taiana. ... "It was a tragic and wrong war" but "it did not alter the nature of the dispute" emphasized Taiana who claims that the United

1551 Caviasca 2018

1552 Romero 2020. There had been no agreement in 1995. What there had been, was a discussion, after which both sides issued their own declaration. The problem, as always, was that any joint venture effectively recognised British sovereign rights over part of the area under consideration. No amount of umbrellas could convince Argentina that it was not so.

1553 *UN Document A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 march 2007* p.17. Yet again, no member State of the United Nations had called for a General Assembly debate. Not even Argentina. *cf.* 2004

1554 Bielsa 2010

1555 *MercoPress* March 30, 2007

Kingdom has "repeatedly refused to comply with international mandates" to begin sovereignty talks. For Argentina 2007 marks the 25th anniversary of the war but also the 42nd of the United Nations Resolution 2065 which states that London and Buenos Aires hold discussions over the disputed Islands. "For 25 years the UK has refused to comply with the mandate", and is about "to celebrate the quarter of a century since the armed conflict", said Taiana." [1556]

In the Islands, those members of the Falkland Islands Defence Force (FIDF) that were called out on the evening of April 1st, 1982, hold a 25th anniversary commemoration in Stanley.

"... their courage was acknowledged at a special service of commemoration at the monument to the British casualties of the 1982 war. In the presence of the Islands' Governor, Mr. Alan Huckle and the Commander British Forces South Atlantic, Brigadier Nick Davies, a large congregation heard the acting Minister of the Anglican Cathedral, the Reverend Cathy Biles, begin the service by reading a short account of the FIDF's participation in the defence of the Falklands in 1982. ... In his address to the assembled party, the Falklands' Governor said of the FIDF that they were "something of a comfort to me" and acknowledged that the FIDF is now a highly trained unit, fully integrated with British Forces in the defence of the Islands. This public commemoration of the FIDF's part in the Falklands War was the first of its kind, and according to organiser, Anthony "Taff" Davis, possibly the last. ... Of the night of 1st of April, which ended with him and his companions being briefly a prisoner of war, Taff Davis says that it was "an experience that I don't want to go through again". Because some of their weapons had been borrowed by the Royal Marines, according to Taff, the FIDF had only twelve modern self-loading rifles between them and less than two magazines each. The rest of the force was equipped with ancient rifles, some of which dated back to the First World War." [1557]

April 2nd, at Rosyth, Scotland, on the 25th anniversary of the 1982 invasion, Britain's Prime Minister inspects HMS *Liverpool*; *"It was a very, very tough endeavour for everybody. They were fighting in some of the most difficult circumstances. It took a lot of courage and a lot of commitment."* [1558]

In the Falklands, a group of Argentine veterans who have arrived as tourists, raise their nation's flag over the Military Cemetery at Fish Creek. The local police take no action.

"Many islanders questioned why the Police did not forcibly prevent the veterans from displaying the flag on British sovereign territory. ... The Governor said that he supported the policy of the Police, who he said had maintained a 'discreet distance' from the incident, having decided not to intervene, and he supported the Chief Police Officer's opinion that it was a 'private act by the veterans'. Mr. Huckle did not condone the incident, describing the Argentine veterans actions as being 'inappropriate' and 'an unfortunate incident', but he said it was not 'an illegal act to display the Argentine flag here' (Falklands)" [1559]

"Following the departure of the veterans from the cemetery on Monday, police removed plaques that had been left, because they were unsure whether they were offensive or not. Cllr Summers said there were six small plaques and four larger ones, all encased in heavy acrylic. It was judged that the six small plaques and one of the larger plaques were not offensive and they will be returned to their original places by the police. However, three of the larger plaques, "...were of a political nature and will be passed to Government House for disposal," said Cllr Summers." [1560]

1556 *Mercopress* April 1, 2007
1557 *Ibid.*
1558 Tony Blair quoted in *Penguin News* April 5, 2007
1559 *Mercopress* April 4, 2007
1560 *Penguin News* april 5, 2007

In Argentina, ceremonies are held around the country. Veterans in Ushuaia release blue and white balloons, the colours of their flag.

At a ceremony in Congress, Argentina's First Lady, Cristina Fernández de Kirchner tells a group of veterans that they; *"... went to fight for the honor of all of us, of the nation, and we owe them honor and respect."* [1561]

April 3rd, Britain's Shadow Foreign Secretary, William Hague, visits Port Stanley.

April 18th, a Falklands Forum event is held to promote the Islands during 2007; focusing on the achievements of the last 25 years. A reception at the House of Commons is hosted by Sir Nicholas Winterton MP, Chairman of the UK-Falkland Islands All-Party Group.

May 2nd, in Buenos Aires, during an interview with the newspaper, *Clarin*, Héctor Bonzo, Captain of the *Belgrano* in 1982, denies that the sinking of his vessel was a war crime.

> *"It was an act of war. The acts of those who are at war, like the submarine's attack, are not a crime ... The crime is the war. We were on the front line and suffered the consequences. On April 30, we were authorised to open fire, and if the submarine had surfaced in front of me I would have opened fire with all our 15 guns until it sank."* [1562]

May 12th, in Fareham, Hampshire, Baroness Thatcher unveils a Falklands War commemorative arch.

May 22nd to 24th, in Grenada, the UN's Special Decolonization Committee holds a Caribbean regional seminar.

June 10th, Argentina issues its annual statement commemorating the appointment of Luis Vernet as Military Commander on East Falkland in 1829; lamenting that it; *"... finds the United Kingdom's unwillingness to resume negotiations inexplicable..."* [1563]

June 14th, in Britain, 25th anniversary celebrations recall the British victory in the 1982 Falklands War. Queen Elizabeth II sends a message for the Islanders.

> *"On the occasion of the 25th Anniversary of your Liberation from Argentine occupation, The Duke of Edinburgh joins me in sending greetings to you all. I know that this anniversary year brings you a mixture of memories. At the service at the Falklands Memorial Chapel in Pangbourne and as the veterans of the Task Force parade in London on Sunday, we shall remember those who are no longer here and our thoughts will be with their families and loved ones.*
>
> *Twenty-five years ago, the men and women of the Task Force made a stand for democracy and freedom. Since then, you have shown that their sacrifice was not in vain by your continued loyalty and determination to safeguard and develop your way of life in these Islands. This week offers you an opportunity to look back with pride on your achievements and to look forward to a prosperous future, living in freedom and governed by those whom you have chosen. Our thoughts and prayers are with you all."*

June 17th, at Pangbourne College, near Reading, Queen Elizabeth II, Tony Blair and Baroness Thatcher join veterans for a remembrance service in the Falkland Islands Memorial Chapel.

In Stanley, Lord Parkinson and Prince Edward, attend a service of remembrance.

1561 *Mercopress* April 12, 2007
1562 *Clarín* May 2, 2007
1563 "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector."

June 21st, at the UN, the Special Committee on Decolonization listens to speakers during its consideration of the Falkland Islands. [1564]

Islander representatives are MLAs Davies and Hansen. Davies tells the committee that the Islanders are *"vehemently opposed"* to any resolution calling for negotiations with Argentina as the Islanders alone have the right to make such decisions and to determine their own futures. He adds that; *"... Argentina's claim that the islanders were a transplanted people and therefore had no right to determine their own future was nonsense. The Falkland Islands had never been part of Argentina."*

Councillor Hanson informs the Committee that the; *"... Falkland Islands could be compared to other New World countries, including Australia, New Zealand, the United States, Canada, and even Argentina, whose current populations consisted of predominantly immigrant European stock. The only significant difference was that there had been no indigenous population to replace in the Falkland Islands as was the case in other places."*

"The elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands." [1565]

"The Committee heard two representatives of the Territory and two Petitioners." [1566]

Petitioner for Argentina, Marcelo Vernet, tells the meeting that by 1833, the Falkland Islands had become; *"the Argentine Republic's strategic enclave in Patagonia."* [1567]

Grenada's permanent representative to the UN also speaks before the Committee.

> *"... his Government had invested considerable time and effort in promoting the fundamental principle of the right of self-determination enshrined in the Charter. Article 1 stated that one of the purposes of the United Nations was to develop friendly relations among nations based on respect for the principle of equal rights and the self-determination of peoples. The primary purpose of the work of the Committee was to move countries towards decolonization and self-determination.*
>
> *His delegation was extremely concerned that sovereignty issues were overshadowing the core purpose and function of the Committee. A number of countries over whose territories sovereignty issues were pending had been able to move from colonization to full independence. It was therefore unclear why the Committee was introducing new constraints to impede the very purpose for which it had been established. ...*
>
> *There could be no question of dialogue between the United Kingdom and Argentina over the Territory without the full participation of the Falkland islanders themselves. To exclude them would be to reaffirm the principles of colonization and reject the Charter of the United Nations."* [1568]

Chile introduces the annual draft-resolution calling for a renewal of sovereignty negotiations on behalf of itself, Bolivia, Cuba and Venezuela.

1564 *UN Doc A/62/23*. Also working paper *A/Ac.109/2007/13*

1565 *UN Doc A/62/469: Letter dated 1 October 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

1566 *UN Doc A/Ac.109/2007/SR.8. cf.* August 19, 1982, November, 2003, & 2009

1567 Patagonia itself was not colonized by Argentina until the 1860's. See 1879, 1882 & 1887

1568 *UN Doc A/AC.109/2007/SR.8*

As an observer, Argentina's Foreign Minister addresses the Committee.

> *"The military dictatorship that ruled Argentina in 1982 acted behind the Argentine people's back, departing from the traditional peaceful claim for the Islands. It was a mistaken decision, because the Argentine people always knew that the full exercise of sovereignty over the Islands would be recovered through peaceful and diplomatic dialogue. The United Kingdom has become publicly involved in a series of events of a celebratory and militarist nature that Argentina laments. My country cannot share this spirit, and, quoting President Kirchner's words, I would like to remind the United Kingdom that, as a powerful country, "it may have won a battle, but it will never beat the reason or justice that the Falkland Islands are Argentine and that, through peace, they will be Argentine again."..."* [1569]

Chile's draft-resolution is adopted without a vote.

June 27th, in the UK, Gordon Brown becomes British Prime Minister, following the resignation of Tony Blair.

July 9th, in New York, the Special Committee on Decolonization submits its annual report for 2007; reproducing the Falklands resolution but not including it amongst those recommended for adoption by the General Assembly.[1570]

August 17th, in the Falklands, *Penguin News* reports;

> *"The men from the Falkland Islands Defence Force who reported for active duty in Stanley on April 1 1982, are to receive Veterans Lapel Badges from the British Government. His Excellency The Governor of the Falkland Islands, Mr Alan Huckle, will make presentations to the veterans on behalf of the Under Secretary of State for Service Personnel and Veterans of the Armed Forces of the United Kingdom."*

September 25th, a photograph from the International Space Station reveals smoke plumes from Lafonia (right).

In New York, on the same day, at the opening session of the United Nations, President Néstor Kirchner, addresses the General Assembly.

> *"... the time had come for the United Kingdom to shoulder its responsibility and put an end to an anachronism: the illegal occupation for clearly colonial purposes of territory belonging to another State. His Government rejected the British claim on the establishment of maritime areas surrounding the archipelagos in question, particularly the United Kingdom's recently divulged intention to make a submission to the Commission on the Limits of the Continental Shelf relative to the outer limits of the continental shelf of the Argentine territories."* [1571]

September 30th, in Cathays Park, Cardiff, a Falklands war memorial is unveiled; featuring the name of every Welsh soldier who fell in the war of 1982.

October 1st, at the UN, Britain rejects the claim expounded in President Kirchner's speech.

1569 Quoted in *The situation of Malvinas Islands at the beginning of the Bicentennial of the Argentine Independence* Alfredo Bologna 2010. My emphasis. If the Junta's actions took place behind Argentina's back, it is hard to explain the dancing in the streets on April 2, 1982.

1570 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2007 A/62/23*

1571 *UN Doc A/62/PV.5*

"The British Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. ... There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish." [1572]

October 3rd, BHP Billiton petroleum division announces that it has acquired an interest in 14 offshore exploration and production licences, issued by the Falklands' Government.

"Resources giant BHP Billiton appears to have shrugged off the threat of legal sanctions by Argentina following the decision to acquire oil and gas exploration acreage off the disputed Falkland Islands according to reports in the Australian press. Argentina has condemned the deal and plans to write to BHP to say it faces bans in Argentina if it moves to explore under the newly acquired British exploration licenses. ... BHP ducked the controversy to focus on the prospects for finding oil. "We are very excited about this opportunity and we think it has good potential. It isn't appropriate for BHP Billiton to discuss the topic of sovereignty" said a BHP spokeswoman." [1573]

October 5th, the Anglo-Argentine joint working party on mine clearance concludes its work.

"On 5 October 2007, both Governments approved the actions taken by the Joint Working Group, including the Final Report regarding the Feasibility Study on Demining of the Malvinas Islands." [1574]

October 8th, at the Hague, the International Court of Justice (ICJ) gives its decision in the maritime dispute between Nicaragua and Honduras concerning islands in the Caribbean Sea. [1575]

> *"... 161. ... The Court further observes that proximity as such is not necessarily determinative of legal title. ... 163. ... All of those islands lie at some distance from the mouth of the River Coco. Savanna Cay is about 28 miles away, South Cay is some 41 miles, Bobel Cay is 27 miles and Port Royal Cay is 32 miles.*
>
> *Notwithstanding the historical and continuing importance of the uti possidetis juris principle, so closely associated with Latin American decolonization, it cannot in this case be said that the application of this principle to these small islands, located considerably offshore and* ***not obviously adjacent*** *to the mainland coast of Nicaragua or Honduras, would settle the issue of sovereignty over them."* [1576]

In New York, on the same day, the UN's the Fourth Committee commences its consideration of the work of the Special Committee on Decolonization. Mention of the Falklands is made to the Committee by Uruguay, the Dominican Republic and Fiji in their first day presentations. [1577]

October 11th, in London, Argentina's Embassy presents a *note verbale* protesting the issue of licences by the Falkland Islands Government for hydrocarbon exploration.

1572 *UN Doc A/62/469*

1573 *Mercopress* October 4, 2007

1574 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See https://eaust.cancilleria.gob.ar/en/node/1248

1575 *Case concerning Territorial and Maritime dispute between Nicaragua and Honduras in the Caribbean sea (Nicaragua v. Honduras) judgment of 8 October 2007*

1576 My emphasis. One of the arguments presented had been that of 'adjacency.' The Falkland Islands lie over 1,000 miles from Buenos Aires; 890 miles from the Rio Negro; some 300 miles from Patagonia and 212 miles from the Isla de los Estados (Statenland). *cf.* 1790

1577 On the 11th, Indonesia's representative stated that a negotiated settlement was the only way to resolve the Falklands question, while on the 15th, Venezuela and Nicaragua declared their support for Argentina's claims.

"The Embassy of the Argentine Republic ... presents its compliments to the Latin America team of the Foreign and Commonwealth Office and wishes to refer to the issuance of illegal licences for activities related to the exploration for and exploitation of hydrocarbons on the continental shelf of the Argentine Republic in the area of the Malvinas Islands, and the involvement in this of BHP Billiton and Falkland Oil and Gas Limited. The Government of Argentina reaffirms to the Government of the United Kingdom all communications submitted on this matter, including the press release of 18 September 1992 in which Argentina rejected the unilateral British decision to open to tender areas of the Argentine continental shelf for prospecting, as announced at the time by the United Kingdom, and the note of 5 October 2000, which refers to the Offshore Petroleum (Licensing) Regulations 2000 dated 26 August and 29 September 2000.

Furthermore, the claim that is the subject of this protest is one of a series of unilateral British actions that led the Argentine Government, inter alia, to terminate, as of 27 March of this year, the United Kingdom and Argentine Joint Declaration of 27 September 1995 on Cooperation over Offshore Activities in the South West Atlantic, which was concluded under the safeguarding of sovereignty formula and refers to exploration for and exploitation of hydrocarbons in the area subject to the sovereignty dispute.

The Government of Argentina rejects such a claim and formally protests against this latest unilateral British action, which violates the sovereignty of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas, which are an integral part of Argentine national territory. This latest unilateral action is also clearly contrary to the obligations placed on the United Kingdom, which emanate from the existence of the sovereignty dispute and from the pronouncements made by the United Nations in that respect." [1578]

"The United Kingdom's position on this issue is well known. The Government of the United Kingdom has no doubts about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and South Sandwich Islands and their surrounding maritime areas, and rejects the claim by the Government of Argentina to sovereignty over those islands and areas and that the Falkland Islands are under illegal occupation by the United Kingdom." [1579]

October 12th, in Stanley, *Penguin News* reports; *"Chile has promised to actively promote Argentina's claim to the Falkland Islands, following talks between the South American countries' foreign secretaries. Argentine Minister Jorge Taiana and his Chilean counterpart reportedly reached the understanding at a meeting held this week to discuss an array of issues including the supply of Argentine gas to Chile. According to Ambito Financiero, Chile has committed to leading the call for the UK to discuss sovereignty issues in the South Atlantic."*

October 15th, in New York, concluding its hearing on the process of decolonization, the UN's Fourth Committee forwards all the Special Committees resolutions for adoption by the General Assembly, except one.

Exercising a right of reply to statements made on behalf of Argentina, the UK's representative merely confirms that its position is well known; *"There were no doubts about the United Kingdom's sovereignty over the Falkland Islands..."* [1580]

1578 *UN Doc A/62/494: Note verbale dated 16 October 2007 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

1579 *UN Doc A/62/571:Letter dated 5 December 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*

1580 *Fourth Committee Press Release GA/SPD/371- 375*

October 28th, in Argentina, Cristina Fernández de Kirchner, wife of the outgoing President Nestor Kirchner, wins Argentina's presidential election; *"Yesterday's victory sealed a remarkable pact between the first couple. Mr Kirchner would almost certainly have won a second term after delivering rapid growth and populist policies, which most Argentines want to continue. Instead, he stepped down in favour of his wife and mobilised the Peronist machine – and state resources – behind her candidacy. ..."* [1581]

November 6th, in New York, interviewed by Argentine journalists on the eve of his visit to Buenos Aires, the UN Secretary-General Ban Ki-moon says he has repeatedly offered his good offices to address Argentina's dispute over the Falkland Islands.

"... "I've expressed my willingness to play a role in the Malvinas/Falklands issue, but my role depends on an understanding between the countries for me to act", said the UN Secretary General who underlined that the General Assembly decided that the way for Argentina and UK to advance in the dispute is for both countries to discuss and solve the issue peacefully through dialogue. As to the UK's claim of a million square kilometers of continental shelf off Antarctica and the Falklands, Mr Ban Ki-moon said it's not his job to adopt decisions regarding territorial and sovereignty claims in Antarctica. "The international community agreed in the Antarctic Treaty of 1959 to freeze all sovereignty claims, without accepting them or rejecting them, and I really believe that area must be preserved in the common interest of the international community"." [1582]

November 11th, in Stanley, the South Atlantic Medal Association (SAMA) hold a special remembrance service at the Liberation Monument.

November 18th, in Jordan, during the 8th meeting of the *State Parties to the Ottawa Convention*, the UK makes a statement on mine clearance; announcing the completion of the feasibility study which has concluded that removal is possible but presents significant technical challenges and risks. [1583]

November 26th, Falkland Islands Government representatives attend the European Union's *Overseas Countries and Territories Association* conference. [1584]

December 1st, the Lisbon Treaty comes into force. Part 4 associates members' Overseas Territories with the European Union; including the Falkland Islands. [1585]

> *"The Member States agree to associate with the Union the non-European countries and territories which have special relations with Denmark, France, the Netherlands and the United Kingdom. These countries and territories (hereinafter called the "countries and territories") are listed in Annex II. The purpose of association shall be to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Union as a whole. In accordance with the principles set out in the preamble to this Treaty, association shall serve primarily to further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social and cultural development to which they aspire."*

December 3rd, at the London School of Economics, Argentina's Embassy in the UK holds a seminar entitled '*Argentine Rights and Sovereignty*.' [1586]

1581 *The Guardian* October 29, 2007
1582 *MercoPress* November 6, 2007
1583 *UN Doc. A/AC.109/2008/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1584 The Falklands ceased to be a member in 2020 following the UK's departure from the EU.
1585 Part IV, Annex II
1586 See May, 2008

Anthony Eastwood, a member of the South Atlantic Council (SAC) with fishing interests in the South Atlantic, addresses the audience., describing the Islanders as, "*...sometimes difficult to talk to because they aren't the sort of people who have the developed intellects that people in this room would feel totally happy with.*"

> *" One of the problems that we face with the Falklands population is that political realism is thin on the ground, economic realism is thin on the ground, and security realism is thin on the ground. We need to, if we could, help them to become more realistic about their position, because at the end of the day we have to have a constructive solution. If they insist on being emotional in their attitude to the problem we all face, what will happen I think is that their emotions will be traded by the media in this country and will resonate with the British public and no British government will feel able to go against the emotions of the British public here. I think that that is one of the problems that we face and I think what it has led to, as the Ambassador knows very well, is a stalemate situation. Therefore we have to find a way out of this stalemate. I don't know how we do it; education comes to mind."* [1587]

"A British veteran of the Falklands war who stood up for Islanders at a seminar organised by the Argentine Embassy at the London School of Economics (LSE) last week has been branded "the angry British veteran" by a number of Argentine reporters. The seminar, ... included addresses from two Argentine academics and a German international lawyer, Dr Rudolf Dolzer, who has written a book about the Falklands dispute, who believes the Argentine claim is superior to the British one. Veteran and artist John McDermott, who visited the Islands in June, attended the conference and disputed the Argentine views. He introduced himself as a veteran with a long association with the Islands and opened his speech by saying that none of the panellists had made mention of the Islanders, doing so only in passing - as if they never existed. ... The response, he said, was disappointing..." [1588]

"On 3 December 2007 a seminar entitled "Argentine Rights and Sovereignty", organised by the Argentine Embassy, was held at the London School of Economics, at which the Argentine claim to the Falkland Islands was publicly presented in Britain for the first time. The claim to the Falkland Islands is now a significant element in Argentine foreign policy, though ..., there have been long periods when Argentine governments accepted that the islands were British. The Argentine claim has been presented annually only since 1945, ... since 1964 the annual Argentine statements of the claim at the United Nations have been much more extensive. However, those statements, like Argentine books, leaflets, and letters to British MPs, contain many important omissions and some extremely serious historical errors." [1589]

December 10th, in Buenos Aires, Cristina Fernández de Kirchner is sworn in as Argentina's President.

> *" I want to reaffirm, once again, our unrenounceable and unwavering claim to sovereignty over our Malvinas Islands and we call on the occupying country, which in all international forums appears to be advanced and respectful, that there is a situation of colonial enclave here denounced before the United Nations and that it is time to comply again with the mandate of the United Nations to which we all belong."* [1590]

"It was argued that the Argentina after 1983 was totally different from that of the dictatorship and the one that went to war in 1982, that it violated the human rights of its citizens, did not enjoy legality and had

1587 Anthony Eastwood quoted in *Penguin News* December 14, 2007.
1588 *Ibid.*
1589 *Getting it Right: the real history of the Falklands/Malvinas: A reply to the Argentine seminar of 3 December 2007* Graham Pascoe & Peter Pepper 2008
1590 *MercoPress* December 10, 2007

abandoned the National Constitution, among other characteristics. In this dimension, the change in discourse initiated by Kirchnerism and prolonged by the administration of Cristina Fernández de Kirchner wanted to emphasize that, paradoxically, the United Kingdom had negotiated a memorandum of understanding on the sovereignty of the Malvinas Islands with the Argentine dictatorship in 1968, but systematically refused to do so with the various democratic governments that, from 1983 onwards, again assured that diplomacy and international law are the only ways to a peaceful solution to the South Atlantic controversy." [1591]

December 12th, British Labour Party MP Robert Blizzard, attending the inauguration of Argentina's new President, is invited to the Foreign Ministry.

"... invited to meet with Deputy Foreign Affairs minister Roberto García Moritán and address several issues of the bilateral agenda with UK, particularly "sovereignty talks on the Malvinas, Georgias del Sur and Sandwich del Sur islands and the surrounding maritime spaces", according to an official release from the Argentine ministry. Blizzard, MP for Waveney, north Suffolk and considered an important figure in the Labor Party structure praised Mrs. Kirchner's inaugural speech to Congress and the ceremony, organization and festivities that followed her first day as president. García Moritán pressed on MP Blizzard Argentina's claims over the South Atlantic and the need to resume sovereignty talks as mandated by the United Nations. Blizzard went to the meeting at the Argentine Foreign Office with British ambassador John Hughes." [1592]

December 13th, Argentina protests to the European Union President of; *".. the attempt to include those parts of the Argentine national territory in the list of territories to which the 'Association of the Overseas Countries and Territories' regime provided for in the Treaty of Lisbon – amending the Treaty on European Union."* [1593]

On the same day, Argentina addresses a similar note to the British Government.

> *"The Office of the Under-Secretary for Foreign Policy in the Ministry of Foreign Affairs, International Trade and Worship ... has the honour to refer to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, which was signed in that city today, 13 December 2007, by the Heads of State and Government of the member States of the European Union, in connection with the inclusion of the Malvinas Islands, South Georgia and the South Sandwich Islands and the so-called "British Antarctic Territory" in annex II of the Treaty establishing the European Community.*
>
> *The Argentine Government strongly objects to the inclusion in the aforementioned annex II of the Malvinas Islands, South Georgia and the South Sandwich Islands, which are an integral part of the territory of the Argentine Republic and are illegally occupied by the United Kingdom of Great Britain and Northern Ireland. In this regard, it notes that the inclusion of these territories in annex II, which refers to part four, "Association of the overseas countries and territories", of the Treaty establishing the European Community, in no way affects the sovereignty and jurisdiction of the Argentine Republic over these territories."* [1594]

December 22nd, at the UN; *"... the General Assembly decided that the agenda item on the question of the Falkland Islands (Malvinas) would remain for consideration during its resumed sixty-second (2008) session (decision 62/546)."* [1595]

1591 Romero 2020
1592 *MercoPress* December 13, 2007. I have been unable to find any record of this meeting.
1593 *UN Doc A/62/625 Annex I*
1594 *UN Doc A/62/625 Annex II*
1595 *UN Year Book 2007. cf.* 2004 & 2005

2008 – January 3rd, Argentina issues its annual press release, recalling the events of 1833.

> *"On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities legitimately established there. The Argentine Republic immediately protested, and has never consented to that act of force. Today, 175 years after that illegal occupation, which is still continuing, the Argentine people and Government reaffirm once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas, which are an integral part of Argentine national territory."* [1596]

In the Falklands, on the same day, British Overseas Territories Minister Meg Munn arrives in Stanley. She suggest that Argentine next-of-kin should be allowed to visit the Falklands in charter flights. Councillor Mike Summers points out that it is Argentina that has banned charter flights, not the Falklands government.

January 4th, in his first New Year address to the Falkland Islanders, Prime Minister Gordon Brown restates his government's commitment to protecting the Islanders' right of self-determination.

January 16th, the UK issues its annual rejection of Argentina's annual January claim. [1597]

January 29th, in the UK, speaking in Britain's House of Lords, Baroness Crawley considers de-mining in the Falklands.

> *"My Lords, a joint UK-Argentina feasibility study into de-mining in the Falkland Islands was completed in October 2007. It concluded that clearance will be challenging but technically possible. The Government are now considering the options for clearance before deciding on next steps. Any clearance operation would remove all unexploded ordnance contained in mined areas. ... Since the end of hostilities in 1982, the landmines have been clearly marked, fenced off and monitored, and there have been no civilian casualties. ... There is no beating about the bush; this will be expensive - we are talking about a lot of ordnance. ... it is spread over a wide area. There are also environmental issues that the Falklanders are concerned about. ... My Lords, we do not see the Argentinians playing any part in the actual de-mining. They have been with us as partners in producing the feasibility study."* [1598]

In **March**, in the Falkland Islands, members of the House of Commons Foreign Affairs Committee visit to inquire into the current situation there.

> *"We conclude that when the visit by President Kirchner to the UK is rearranged the Government must use this opportunity to raise issues of concern to the Falkland Islands. In particular we recommend that the Prime Minister call for an end to Argentina's obstruction in relation to use of its airspace and that he also highlight potential logistical issues if Argentine families are allowed to fly in to visit graves. ... We conclude that the Government was right to submit a claim to the UN Commission for the Limits of the Continental Shelf for the seabed around Ascension Island. We recommend that the Government should submit a similar claim for the continental shelf around the Falkland Islands and South Georgia and the South Sandwich Islands."* [1599]

1596 *UN Doc A/62/639*
1597 *UN Doc A/62/660*
1598 *Hansard, Lords, January 29, 2008 col.544*
1599 *Select Committee on Foreign Affairs: Seventh Report.*

March 12th, UN's Decolonization Committee Secretariat produces its annual working paper on the Falklands.

> *"Action taken by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State.*
>
> *As at the date of the issuance of the present report, there had been no such notification by a Member State to the General Assembly."* [1600]

In Santiago de Chile, Britain's Prime Minister, Gordon Brown, meets Argentine President Cristina Fernández de Kirchner. An agreement is reached to allow the relatives of Argentine troops killed in the 1982 war to visit the Islands for the official inauguration of the memorial at the Argentine Military Cemetery. [1601]

"In 2008 Argentine president Cristina Fernandez de Kirchner stated that the official inauguration of the Memorial at Darwin to honour the Argentines fallen during the 1982 Malvinas conflict was a "humanitarian and political" objective. Negotiations begun rolling - according to the Argentine press - following the 2008 late March meeting in Santiago de Chile between British PM Gordon Brown and President Cristina Kirchner, during the progressive leaders' summit hosted by Chilean President Michelle Bachelet." [1602]

"In March 2008 Cristina Fernández de Kirchner met the then British Prime Minister, Gordon Brown, in Santiago de Chile, after which negotiations began to allow family members of Argentinean soldiers killed in 1982 to travel to the Falkland Islands for the official inauguration of the Memorial at the Argentine Cemetery at Darwin in October 2009. The negotiations were the responsibility of the Malvinas and South Atlantic Desk at the Argentine Foreign Affairs Ministry under Ambassador Eduardo Airaldi." [1603]

April 2nd, in Palomar, Argentina, at a ceremony for Veterans Day and Victims of the South Atlantic War, held at the First Air Brigade base, Argentina's President restates her country's claim to the Falkland Islands.

"Accompanied by cabinet ministers, members of Congress, governors, military commanders and Malvinas veterans' organizations Mrs. Kirchner headed the main April 2nd ceremony at the Palomar Air Base calling on Argentines to keep advancing the Islands gest(ure), which she defined as "unrenounceable and indeclinable". Without once mentioning the United Kingdom, President Fernandez de Kirchner promised to keep claiming for Malvinas Islands' sovereignty in international forums. "We will continue working for our voice to be heard, denouncing the shameful existence of a colonial enclave in the XXI century"." [1604]

April 5th, Buenos Airean newspaper *La Nacion* reports that a group of Argentine veterans are calling for the identification of all the fallen buried at the Argentine Military cemetery in the Falklands.

"According to official Argentine data the cemetery has 230 graves of which only 120 figure with their names. The rest are unidentified with a simple line in the cross: "Argentine soldier only known to God". Besides another eight remains are buried in two common graves. ... La Nacion reports that last year on the 25th anniversary of the war a group of Malvinas families and members of Congress presented then president Nestor Kirchner a project to discuss with the United Kingdom a humanitarian agreement to, among other things, allow the identification of the remains. A task to be undertaken by the Argentine Anthropologic

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1600 *UN Doc A/AC.109/2008/13 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2008* para. 63 p.18. Yet again, no call for a debate in the General Assembly. *cf.* 2004

1601 See October 2009

1602 *MercoPress* September 11, 2009

1603 *Argentina and the Falkland Islands SN/IA/5602 January 27, 2012 Vaughne Miller House of Commons Library*

1604 *MercoPress* April 3, 2008

Forensic Team, EAAF, which has a long and renowned international reputation for having participated in countless identification cases of remains from disappeared persons from the time of the Argentine dictatorship and in other Latin American countries." [1605]

April 10th, Argentina sends a letter to the President of the Human Rights Council; *"... in which it rejected sections of a national report of the United Kingdom because the Falkland Islands, South Georgia and the South Sandwich Islands were designated therein as "Overseas Territories". ... Argentina's aforementioned rejection extended to the United Kingdom's efforts to apply its human rights obligations and instruments to the Islands in question, noting that the illegal occupation of those Territories prevented Argentina from reporting on the application of the human rights instruments to which it was party throughout its national territory."* [1606]

April 17th, Argentina collects data in areas to the north-east and south-east of the Falklands archipelago for inclusion in its submission to the Commission on the Limits of the Continental Shelf.

"The Governor, Mr Alan Huckle, yesterday confirmed that the Argentine authorities had informed him that Puerto Deseado would collect marine scientific data in the South Atlantic, and assured it would be outside of the 200 mile zone. He said: "Under the UN Convention on the Law of the Sea (UNCLOS), vessels of all nations are permitted freedom of navigation through the 200-mile zones of coastal states. The Puerto Deseado initially passed outside our zone but subsequently sailed within the Falkland Islands Outer Conservation Zone (FOCZ) to the southeast of the Falklands before exiting". While he would not specifically confirm whether the Falklands patrol ship, FI MS Clyde, was in the area, Mr Huckle said: "We routinely monitor shipping activity in Falkland Islands waters". Under UNCLOS, permission from the coastal state authorities must be obtained for any marine scientific research within its 200 nautical miles zone. Mr Huckle said the Puerto Deseado responded, when hailed within the FOCZ, that it was exercising its right of freedom of navigation" [1607]

April 30th, Argentina protests a new round of oil licensing near the Falklands' archipelago.

> *" Argentina energetically rejects these unilateral measures which constitute an illicit act, both for Argentine Law and International Law."*

"It was made clear that the UK had no doubts about its sovereignty ... and that the Falkland Islands Government was entitled to develop a hydrocarbons industry in the waters under its jurisdiction and the UK government supported this." [1608]

"... as had been anticipated by some Buenos Aires media close to the Kirchner administration, Argentina presented an "energetic" letter of protest to the UK Embassy regarding the "new round of licensing" and the announcement by several companies of oil drilling operations in Falklands waters in the near future. ... Allegedly the "new licensing round" for the exploration in the north of the Falklands was decided last April 18 but it only became known to the Argentine government this week. The decision means exploration areas awarded to oil companies in 2005 have been expanded, which was the reason behind the Kirchner administration March 2007 decision to terminate the September 1995 Joint Argentine British Declaration on hydrocarbons cooperation, signed under the government of former president Carlos Menem. According to the official release the Argentine Foreign Affairs claims the UK has abrogated upon itself "the right to award areas on the Argentine continental shelf north of the Malvinas Islands for hydrocarbons' activities" which is contrary to a long list of United Nations General Assembly resolutions." [1609]

1605 *MercoPress* April 5, 2008. See 2012, below.
1606 *UN Doc A/HRC/8/G/1* and *UN Year Book 2008* citing *A/HRC/WG.6/1/GBR/1*
1607 *Penguin News* April 25, 2008
1608 *Penguin News* May 2, 2008
1609 *MercoPress* May 1, 2008

May 13th, in London, a second seminar is hosted by the London School of Economics as a response to that of December, 2007. Featuring the investigative work of Graham Pascoe and Peter Pepper, the claims made by Argentina to the Falklands are challenged. Accompanying the presentation is a 40-page booklet entitled – *Getting it Right: the Real History of the Falklands/ Malvinas.* [1610]

"Mr Pepper explained the basis of the presentation and booklet: "[At the Argentine presentation in December] Ambassador Mirre opened with a short address repeating the usual nonsense about Britain expelling an Argentine population in the Falklands in January 1833. This is a complete falsehood. Britain only told the Argentine garrison to go then - and that was only 26 men, who had been there just under three months. Britain had protested when they were sent there. Also many of them were criminals serving sentences in the army, and they soon murdered their own commanding officer. Captain Onslow of HMS Clio, who reasserted British sovereignty in January 1833, did his best to persuade the handful of civilian residents then to stay - and most did". ... For a number of years Dr Pascoe and Mr Pepper have been working in collaboration on a history book of the Islands, although both have been working separately on the history of the Falklands for much longer than that. The book, will be about 1,200 pages long and will probably comprise two volumes, Mr Pepper said: "It will be a reference work, it will not be light or casual reading"." [1611]

"... published in 2008 by Graham Pascoe and Peter Pepper, both in English and Spanish, having a great impact in the "Anglophile" world: not in the academic field, to which its authors do not belong, but in the field of propagandistic dissemination." [1612]

May 23rd, at the Hague, the International Court of Justice (ICJ) considers the concept of 'critical date', in its judgement on the *Pedra Branca/Pulau Batu Puteh Case.* [1613]

> *"The Court recalls that, in the context of a dispute related to sovereignty over land such as the present one, the date upon which the dispute crystallized is of significance. Its significance lies in distinguishing between those acts which should be taken into consideration for the purpose of establishing or ascertaining sovereignty and those acts occurring after such date, "which are in general meaningless for that purpose, having been carried out by a State which, already having claims to assert in a legal dispute, could have taken those actions strictly with the aim of buttressing those claims."..."* [1614]

"As the Court explained in the Indonesia/Malaysia case, "it cannot take into consideration acts having taken place after the date on which the dispute between the Parties crystallized unless such acts are a normal

1610 With a Spanish language translation – *Más Allá de la Historia Oficial: La Verdadera Historia de las Falklands/ Malvinas.* Copies of this document were provided to the Argentine Government and the *Instituto de Las Malvinas*. There was no comment from either. A further paper was posted on-line by Pasco & Pepper in May 2012. While their first paper is currently unavailable, the second can be found here – https://falklandstimeline.files.wordpress.com/2019/04/false-falklands-history-at-the-un-2012-2nd-ed..pdf

1611 *Penguin News* May 16, 2008. The first volumes of the *Falklands Saga* were finally published in 2022.

1612 *Crítica del libro Las Malvinas entre el derecho y la historia. Refutación del folleto británico "Más allá de la historia oficial. La verdadera historia de las Falklands/Malvinas"* Pedro Munaretto 2017 in *Revista de Estudios Marítimos y Sociales* Julio 11, 2017 pp.287-293

1613 This is a concept in sovereignty disputes where an adjudicating body will recognise that, from a point in time, a State's actions over territory should be considered only as being taken to secure a claim of sovereignty. In general terms, only events before the critical date will be considered for adjudication purposes. It is likely that the critical date for the Falklands would be 1829, the point at which both contenders clearly recognised that there was a challenge. Argentina has previously argued that the date ought to be 1833.

1614 *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras), Judgment,* I.C.J. Reports 2007, pp. 697-698, para. 117

continuation of prior acts and are not undertaken for the purpose of improving the legal position of the Party which relies on them."..." [1615]

May 31st, the UK announces its intention to seek a 10-year extension to its de-mining obligations in the Falkland Islands, from the State Parties to the Ottawa Convention.

June 6th, during a meeting in Buenos Aires, Vice-President Julio Cobos asks Britain's Ambassador why the Argentine flag is not flying over the Argentine Military Cemetery, claiming it to be *"common practice*." The Ambassador refers the question to the Falkland Islands Government (FIG).

"According to Cllr Rendell, the Falkland Islands Governor, Mr Alan Huckle, had already been in touch with councillors and had consequently informed Whitehall that he would not expect councillors to respond in a positive way, were the request to be put to them. Mr Rendell said that comments made in the Argentine press that it was normal for flags of different nations to fly over their war cemeteries in other countries were wrong. He quoted as examples both the large German war cemetery in Britain and the British war cemetery in Gallipoli." [1616]

June 11th, in New York, the Special Committee on Decolonization considers general issues relevant to decolonization including the omnibus resolution covering 11 Non-Self Governing Territories. An amendment to operative paragraph 2 of the omnibus resolution is proposed.

> *"2. Also reaffirms that, in the process of decolonization, and where there is no dispute over sovereignty, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions..."* [1617]

The amendment is adopted by the Special Committee by consensus and without discussion.

"... on the proposal of the Chairman, the Committee waived rule 120 of the rules of procedure of the General Assembly and adopted draft resolution A/AC.109/2008/L.9, without a vote." [1618]

"Argentina attended the Decolonization Committee and obtained the addition of a new phrase in its standard resolution on eleven small island territories. For years, the Committee has affirmed "the inalienable right of the peoples of the Territories to self-determination" and that "in the process of decolonization, there is no alternative to the principle of self-determination."... Suddenly, on 11 June, 2008, without any debate, and waiving the rule that no decision should be taken on draft resolutions until at least the day after written copies have been circulated, new words were added. The text became - "in the process of decolonization, and where there is no dispute over sovereignty, there is no alternative to the principle of self-determination."..." [1619]

Researcher's Comment: Having failed to define and restrict this operative paragraph's general application in 2005, here was Argentina's attempt to amend its terms and introduce a specific restriction that would also then have general application. That the amendment was adopted by the Special Committee without a vote, and contrary to its standard operating procedure, may be seen as indicative of that committee's bias on the Falklands' question.

It is also no coincidence that the amended paragraph would have to go before the Fourth Committee for consideration in a year when the Fourth Committee had an Argentine Chair. See below.

1615 *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia),* I.C.J. Reports 2002, p.682, para.135.
1616 *Penguin News* June 13, 2008. It had been a part of the original agreement concerning the memorial at the cemetery that no Argentine flag would be flown there. *cf.* 1991 & 1999
1617 *UN Doc A/Ac.109/2008/L.9.* My emphasis.
1618 *UN Doc A/63/23*
1619 Willetts 2013. See October 20, 2008 below for the outcome. *cf.* 2016

June 12th, the Special Committee on Decolonization moves to consider the question of the Falkland Islands.[1620]

> *"The Committee heard two representatives of the Territory and two petitioners."* [1621]

MLA Robertson, representing the Falklands' people, speaks before the Committee.

"... the British claim to the Falkland Islands dated back to 1765. Britain had consistently protested Argentine attempts to settle and administer the Falkland Islands, and had not – as was alleged – forcibly expelled the Argentine population in 1833. ... It was the profound belief of the people of the Falkland Islands that they were entitled to self-determination, that the claim by Argentina was ill-founded, and that it respected neither modern values nor the principles of the Charter of the United Nations. She urged the Committee to recognize that sovereignty issues did not belong on its agenda, and that sovereignty claims should not supersede the right to self-determination. ... In conclusion, she urged the Committee to reconsider whether an anachronistic claim from the 1820s could truly be more valid in the twenty-first century than the rights of the people of the territory affected by that claim, ..." [1622]

Chile, on behalf of Bolivia, Chile, Cuba and the Bolivarian Republic of Venezuela, introduces its annual draft-resolution calling for sovereignty negotiations.

Argentina's Foreign Minister, Jorge Taiana, speaking as an observer, tells the committee that previous negotiations had stalled due to British "*reluctance,*" and that the current population of the Falklands, being "*transplanted*" could never be deemed to be a population subjected to colonial power.

The draft-resolution is adopted without a vote. [1623]

> *"1. Reiterates that the way to put an end to the **special and particular colonial situation** in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;* [1624]
>
> *2. Takes note of the views expressed by the President of the Argentine Republic on the occasion of the sixty-second session of the General Assembly;* [1625]
>
> *3. Regrets that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects on the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;* [1626]
>
> *4. Requests the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as*

1620 *UN Doc A/63/23*. Also working paper *A/Ac.109/2008/13*

1621 *UN Doc A/Ac.109/2008/SR.7. cf.* August, 1982 & November, 2003

1622 *Ibid.*

1623 *UN Doc A/Ac.109/2008/L./8.* Adoption by consensus avoids members having to vote, and to be seen to vote. Committee members must also be fully aware that their report to the Fourth Committee will not recommend this resolution for adoption by the General Assembly. Something of a pantomime.

1624 Committee resolutions are the only resolutions to employ this form of words. First seen in 1989.

1625 No note being taken of the views of the United Kingdom expressed in a right of reply to the Argentine President's statement.

1626 The last UN resolution on the Falklands was in 1988. Its terms were met and there have been no more since, rather implying that there are, in fact, no live UN resolutions on this subject.

possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;…" [1627]

Speaking after adoption of the resolution, Sierra Leone states:

"Any solution that failed to take into account the aspirations of the islanders would be inconsistent with paragraph 4 of the Millennium Declaration, which recognized peoples' right to self-determination, and would also run counter to article 73 (b) of the Charter of the United Nations."

June 18th, in London, the House of Commons Foreign Affairs Committee publishes its Overseas Territories report. [1628]

"A Foreign Affairs Select Committee has urged the Prime Minister to pin down the Argentine president about concerns relating to the Falklands when the visit by President Kirchner, which was cancelled earlier this year, is rearranged. They recommended that the Prime Minister call for an end to Argentina's ban on flights to the Falklands crossing its airspace and that he highlight "the logistical issues" if Argentine families are allowed to fly in to visit the graves of their war dead. Also recommended was that the Prime Minister should press the Argentine president to agree to the establishment of a Regional Fisheries Management Organisation for the South West Atlantic and reiterate the Islands' right to develop a hydrocarbon industry. …With specific regard to the Falklands, the committee called for the FCO to work with the Falkland Islands government and the Ministry of Defence to ensure that the future air bridge allows the Islands to further develop its tourism industry. They also recommend that in its response to their report, the FCO clearly states what, if any, it considers the UK's entitlement would be in respect of potential gas and oil revenue from the Falklands and other Overseas Territories." [1629]

June 20th, Argentina publishes Law *26.386 'Federal Fisheries Regime'* in its public Gazette.

".. sets forth penalties for the persons who own fishing vessels which carry out fishing operations in waters under Argentine jurisdiction without the relevant fishing permit or who have a legal, economic or beneficial relationship with any individuals or corporations which own fishing vessels that carry out fishing operations within waters under Argentine jurisdiction without the relevant fishing permit." [1630]

June 30th, at the UN, the Special Committee on Decolonization submits its annual report for 2008; reproducing its Falklands resolution but not including it within the list of those resolutions recommended for adoption by the General Assembly. [1631]

July 1st, Argentina complains to the Secretary-General with regard to UN documents referring to the UK as a coastal State in the South West Atlantic.

"Argentina referred to the agenda item of the ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea concerning progress made on the

1627 The last replaced all those before it and the last was answered seemingly to the satisfaction of the General Assembly.
1628 The Government responded in September, 2008 (below). For the full report see - https://publications.parliament.uk/pa/cm200708/cmselect/cmfaff/147/147i.pdf
1629 *Penguin News* July 11, 2008
1630 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. Argentina continues to consider Falklands waters as within its jurisdiction. See https://eaust.cancilleria.gob.ar/en/node/1248
1631 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2008 A/63/23. cf.* 1989 & 1990

state of the marine environment... Argentina pointed out that the United Kingdom was listed among the coastal States for (the South West Atlantic Ocean) region, inferring a reference to the Malvinas Islands and rejected the contents of the document, particularly the author's attempt to consider the Malvinas Islands as a possession of the United Kingdom." [1632]

July 4th, in Stanley, *Penguin News* reports; *"The Falkland Islands have added to strained relations between the administration of Argentine President Cristina Fernandez de Kirchner and the Vatican. According to reports in the Buenos Aires press the Argentine Catholic Church has requested the naming of two new dioceses in Patagonia and the Kirchner administration requested the inclusion of the Falklands in the Tierra del Fuego dioceses, which apparently the Vatican does not accept. ... According to the Argentine press this would have meant the recognition by another state, the Vatican, of sovereignty over the disputed Falklands. However, the Vatican refused to accept the proposal and the Argentine government then decided to freeze the Catholic Church's request, further complicating relations with the papal state. Argentina and the Vatican have also clashed over the Argentine Armed Forces chaplain, whom the Kirchner administration has said was involved (passively) in human rights abuses."*

July 9th, in a note circulated to all parties to the Ottawa Convention, Argentina rejects the UK's announced intention to apply for an extension in the time limits for de-mining the Falklands as an; *"illegitimate unilateral act."* [1633]

August 4th, Argentina's Ambassador to the UK, Federico Mirré, returns to Buenos Aires. [1634]

In **September**, Britain's Secretary of State for Foreign and Commonwealth Affairs responds to the 7th Report of the Foreign Affairs Committee Session 2007-2008. [1635]

September 23rd, Argentina's President, Cristina Fernández de Kirchner, addresses the UN General Assembly during its opening session, saying; *".. a member of the Security Council – one that is among the principal nations of the world in the defence of freedom, human rights and democracy – should give concrete proof ... that it is truly convinced that it is necessary to end this shame, that of a colonial enclave in the twenty-first century."* [1636]

September 29th, the UK responds to President Kirchner's speech; *"The Falkland Islands are not a colonial enclave. Britain's Overseas Territories are British for as long as they want to remain British."* [1637]

October 6th, the UN's Fourth Committee, chaired by Argentina's Ambassador, Jorge Arguello, resumes its annual consideration of the decolonization process. During the debate Mexico's representative urges the UK and Argentina to find a peaceful solution with regard to the Falklands; Brazil's representative alleges that the United Kingdom took the islands by force in 1833; expelled the native population and replaced them with British citizens who can not be classed as a subjugated people and Venezuela asserts that the Falklands are part of Argentine territory. The representative for Fiji expresses his regret that the question had not progressed satisfactorily and calls; *"... for the views of the inhabitants to be considered."* Argentina's representative claims that the Falklands are an *"... integral part.."* of his country's territory.

1632 *UN Doc. A/62/900*
1633 *UN Doc. A/AC.109/2009/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1634 Not replaced until January, 2012.
1635 Available here - https://assets.publishing.service.gov.uk/media/5a7c1450e5274a1f5cc75a85/7473.pdf
1636 *Ibid.* In full in *UN Doc A/63/PV.5*
1637 *UN Doc A/63/462*

Exercising a right of reply, the UK says that its position was well known; that the UK has no doubt about its sovereignty and that there can be no negotiations on the matter until such time as; *"the islanders so wish."* [1638]

"In calling for a fair and negotiated solution to the dispute in the shortest time possible, the Cuban delegate said that such a solution should take into account the territorial integrity of Argentina, "...as well as the wishes of the people inhabiting those islands". Falkland Islands Councillor, Richard Cockwell, told Penguin News that he was pleased to see a reference to the Islanders' wishes. This was a departure from the usual hard line taken by the Kirschner administrations in Argentina, which have regarded the sovereignty dispute as a bi-partite affair between Britain and Argentina and have refused to allow that the wishes of the Islanders should be considered." [1639]

October 13th, the Fourth Committee recommend the adoption by the General Assembly of eight Decolonization Committee resolutions, and two decisions on decolonization. [1640]

On the same day, the UK rejects Argentina's complaint of July 1st.

"Her Majesty's Government rejects ... the claim that the Falkland Islands, South Georgia and the South Sandwich Islands are an integral part of Argentine national territory. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas." [1641]

October 17th,the Decolonization Committee's omnibus draft-resolution concerning 11 of the 16 remaining NSGT's, with the additional caveat added in June, comes up for debate before the Fourth Committee. Discussion focuses on the added words, *"... where there is no dispute over sovereignty, ..."*

Britain's representative proposes a further amendment which removes the caveat and restores the original version of operative paragraph 2, arguing; that "*.. not only was the new language inapplicable to the 11 Territories targeted in the resolution, but that it introduced conditions that could have unexplored ramifications."* [1642]

New Zealand's representative; *"recalled that the right to self-determination was enshrined in the Charter and in key international human rights instruments, and was one of the fundamental precepts of the Organization. While the exercise of that right must be considered in context, it was not qualified in the Charter or covenants by the existence or otherwise of sovereignty disputes. It would be extraordinary for any subsidiary body of the Organization to suggest that such a limitation existed; to do so would call into question the ability of peoples in various situations currently under consideration by the United Nations to exercise that most basic right. It was therefore unacceptable that the phrase "and where there is no dispute over sovereignty" had been inserted into the text of the draft resolution;..."* [1643]

Brazil's representative; *"... speaking on behalf of the member States of the Southern Common Market (MERCOSUR), the candidate country the Bolivarian Republic of Venezuela and the associated countries*

1638 *Fourth Committee Press Release GA/SPD/396*

1639 *Penguin News* October 17, 2008

1640 *Fourth Committee Press Release GA/SPD/401* noting that the Western Sahara draft resolution and the 'Omnibus' resolutions remained pending. Despite there being an Argentine Chairman, the Decolonizations Committee's Falklands resolution was not among the eight passed to the General Assembly for adoption. *cf.* 1989 & 1990

1641 *UN Doc A/63/485*

1642 *UN Doc A/C.4/63/SR.11.* Of the 11 non-self governing territories included in this omnibus resolution, not one was subject to a conflicting sovereignty claim. If it had passed, Argentina could have argued that self-determination had become a secondary consideration where there was a sovereignty dispute. *cf.* October, 2005, June, 2008 & 2016

1643 *Ibid.*

Bolivia, Chile, Colombia, Ecuador and Peru, said that the draft resolution reaffirmed that in the process of decolonization and where there was no dispute over sovereignty, there was no alternative to the principle of self-determination. The proposed amendment ... recognized the existence of special and particular colonial situations which involved sovereignty disputes expressly recognized by the General Assembly and the Special Committee on decolonization, disputes which States were urged to resolve peacefully through negotiation. The general principle of self-determination of peoples did not apply in special and particular situations involving sovereignty disputes." [1644]

After further debate, the Fourth Committee meeting is suspended. [1645]

October 20th, the 4th Committee debate concerning the Special Committee's omnibus resolution resumes.[1646]

St. Lucia's representative; *"... recalling that the objective of the draft resolution was to help colonial peoples achieve self-determination, said that the reference to disputed sovereignty might offer administering Powers an excuse for shirking their responsibility to hasten decolonization. He therefore pleaded with delegations not to become embroiled in language that added an issue extraneous to the process of decolonization."* [1647]

The USA's representative; *"... said that the proposed new language was unnecessary and only served to divide a Committee that had a long history of consensus on the issue under consideration. He urged the Special Committee on decolonization to revert to the consensus language used in previous years."* [1648]

South Africa's representative; *"... observing that he had long admired how carefully the Special Committee had dealt with sensitive issues, said that the new clause introduced an issue of disputed sovereignty that was totally out of place in draft resolution VI and his Government could not accept it. The right to self-determination was a basic right and a fundamental principle of international law that was qualified neither in the Charter nor in the human rights covenants; it should not be qualified in the draft resolution."* [1649]

The Chairman, Argentina's Ambassador, Jorge Arguello, calls for a decision on the British amendment. Britain's amendment is passed and the caveat removed. [1650]

"By the terms of the amended resolution, the Assembly would further reaffirm that, in the process of decolonization, there was no alternative to the principle of self-determination, which was also a fundamental human right. ..." [1651]

17. *A recorded vote was taken on the amendment contained in document A/C.4/63/L.6.*

In favour:

Albania, Algeria, Armenia, Australia, Austria, Bangladesh, Belgium, Belize, Botswana, Bulgaria, Burundi, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Guyana, Haiti, Hungary, Iceland, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Poland, Saint Lucia, Samoa, San Marino, Sierra Leone, Singapore, Slovenia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Zambia, Zimbabwe.

Against:

Argentina, Belarus, Bolivia, Brazil, Central African Republic, Chile, China, Colombia, Costa Rica, Cuba, Democratic People's Republic of Korea, Dominican Republic, Ecuador, El Salvador, Ethiopia, Guatemala, Honduras, India, Indonesia, Iran (Islamic Republic of), Malaysia, Mali, Mauritius, Mexico, Mozambique, Myanmar, Nicaragua, Panama, Papua New Guinea, Paraguay, Peru, Russian Federation, Senegal, Spain, Suriname, Syrian Arab Republic, Tunisia, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam.

Abstaining:

Andorra, Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Benin, Brunei Darussalam, Burkina Faso, Cape Verde, Cyprus, Djibouti, Dominica, Egypt, Equatorial Guinea, Fiji, Gabon, Gambia, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malta, Morocco, Namibia, Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saudi Arabia, Slovakia, Sri Lanka, Sudan, Swaziland, Thailand, Togo.

1644 *Ibid.*"*Special & Particular*" was a phrase that did not appear in Special Committee draft resolutions until 1989.
1645 See - https://falklandstimeline.files.wordpress.com/2022/09/fourth-committee-omnibus-resolution-october-20-2008.pdf
1646 See - https://falklandstimeline.files.wordpress.com/2022/09/fourth-committee-omnibus-resolution-october-20-2008-resumption.pdf
1647 *UN Doc A/C.4/63/SR.11 (Resumption 1)*

"Councillor Mike Summers said he would like the House to send its formal thanks and congratulations to the UK's UN Ambassador in New York, John Sawers, who, with his team, denied an attempt by Argentina and Spain to propose in the United Nations 4th Committee an amendment, which would have denied the right of self-determination to those countries, where there is a sovereignty conflict. The defeat of this amendment by a majority of about 60 to 40 was, said Cllr Summers, "a tremendous result", which supported the view that has been reiterated year on year in LegCo, that the right to self determination is a universal right, that can't be compromised. Cllr Summers declared that on no occasion had it ever been said in the United Nations that the Falkland Islands should be restricted in its development, either democratically or economically and concluded: "The view that the Argentines would like to put forward that the Falklands don't have that right to continue development without their permission is utter nonsense"."[1652]

"The Government of the United Kingdom is of the view that the current approach of the Special Committee on Decolonization is not working. By voting to reject an attempt to qualify the principle of self-determination in its consideration of draft resolution A/C.4/63/L.6 (adopted by the General Assembly as resolution 63/108 A), the Fourth Committee reaffirmed that there was no alternative to the principle of self-determination in the process of decolonization. By its vote, it also reaffirmed that the principle of self-determination is a fundamental human right, as recognized under the relevant human rights conventions. The Government of the United Kingdom believes that the Special Committee should now acknowledge that Fourth Committee vote and recognize the application of the principle of self-determination as the only long-term solution, in the twenty-first century, with regard to the remaining Territories...." [1653]

"While the speakers, apart from the Latin Americans, Morocco and Indonesia, all supported the British, the vote was very close. In the Assembly's Fourth Committee, with Argentina in the chair, 61 countries voted to delete the reference to sovereignty disputes, 40 voted to retain it, 47 abstained and 44 were absent. The necessary two-thirds majority was only just obtained. Nevertheless, this represents the second occasion on which the General assembly explicitly refused to endorse Argentina's position that self-determination does not apply to all colonial territories." [1654]

"... on 20 October 2008 the United Nations General Assembly rejected a motion supported by Spain Argentina by 61 votes to 40 to place restrictions on the right to self-determination where there was a sovereignty dispute, determining that it was a fundamental right." [1655]

"So Argentina failed to remove the Falklands from the universal applicability of self-determination." [1656]

Researcher's Comment: Argentina's October, 2005 attempt to redefine operative paragraph 2 of the omnibus resolution had failed to gain support, and now its 2008 attempt to amend the offending paragraph has also been defeated. It would take Argentina another 8 years of lobbying before the method in which the small territories were dealt with was changed, so as to dispose of the omnibus resolution completely.

1648 *Ibid.*
1649 *Ibid.*
1650 *UN Doc A/C.4/63/L.6*
1651 *UN Doc GA/SPD/406*
1652 *Penguin News* November 21, 2008
1653 *UN Doc A/64/787: Letter dated 19 May 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*
1654 Willetts 2013
1655 *Falklands – Some Relevant International Law* Stephen Potts 2019
1656 Pascoe 2020 p.331

October 28th, Argentina protests; *"... the establishment and operation of the so-called "Port Harriet Missile Testing Range."* [1657]

November 5th, Queen Elizabeth II approves a new Falkland Islands Constitution. [1658]

> *"Fundamental rights and freedoms of the individual : Whereas - (a) all peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law; (b) the realisation of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations;..."*

"I welcome the new constitution for the Falkland Islands. In agreeing it, the UK Government and the Falkland Islands' Government have worked together, openly and constructively, to ensure that it will serve the Islands well in the future. I was particularly pleased that all Falkland Islanders had opportunity to discuss and comment on it at all stages before it was finalised. The world has moved on since the previous Falkland Islands' constitution came in to operation in 1985, and the Falklands have developed considerably both economically and socially. The new constitution reflects this. It enhances local democracy, while retaining sufficient powers for the UK government to protect UK interests and to ensure the overall good governance of the territory. It provides for greater transparency and accountability through the creation of a Public Accounts Committee and a Complaints Commissioner. And the rights chapter has been brought up to date to bring it into line with international agreements. What it does not do is change the UK government's overall commitment to the Islands as an Overseas Territory. Nor does it change the right to self-determination, fundamental to our relationship with all of our Overseas Territories." [1659]

"Commenting on the new Constitution, Councillor Mike Summers, spokesperson for the Falkland Islands' Government said it more accurately described the relationship between the Falklands and the United Kingdom, and formally established the degree of internal self-government. ... Foreign Office Minister, Gillian Merron, said she welcomed the new Constitution ..., "It enhances local democracy, while retaining sufficient powers for the UK government to protect UK interests and to ensure the overall good governance of the territory". " [1660]

November 6th, Argentina submits a formal protest to the UK regarding the new Falklands' Constitution.

> *"... against this new unilateral act by the United Kingdom in relation to an integral part of the national territory of the Argentine Republic ... The said unilateral act constitutes a new expression of disregard for the resolutions on the question of the Malvinas Islands duly adopted by the General Assembly and the Special Committee on Decolonization of the United Nations. ... It also constitutes a new violation of the spirit of the provisional understandings under the sovereignty formula regarding practical aspects of the area in dispute, the purpose of which is to contribute to the creation of a climate conducive to the resumption of the negotiations on sovereignty ..."* [1661]

1657 *UN Doc A/63/745.* Refuted by the UK in *UN Doc A/63/765*

1658 Effective from January 1, 2009. See - https://falklandstimeline.files.wordpress.com/2018/01/falklands-constitution-2008.pdf

1659 Foreign Office Minister Gillian Merron quoted in *MercoPress: South Atlantic News Agency* November 6, 2008

1660 *Penguin News* November 7, 2008

1661 *UN Doc A/63/542: Letter dated 10 November 2008 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General.* Also *UN Doc.A/AC.109/2009/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

November 24th, in Geneva, at the ninth meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines, the UK applies for an extension to its responsibilities for mine clearance in the Falklands.

> *"The United Kingdom seeks an extension for the maximum period of 10 years. This is based on the estimated time period for any de-mining operation as set out in table one of the Executive Summary of the Falkland Islands Field Survey carried out by Cranfield University. This reflects the complexities of de-mining in the Falkland Islands."* [1662]

"It was not possible to initiate a de-mining programme until the Feasibility Study on the clearance of landmines in the Falkland Islands was completed. This was concluded in October 2007. … The Argentine Government has reported to the United Nations that some 20,000 anti-personnel mines and 5,000 anti-vehicle mines were taken to the islands by its armed forces. … We estimate that just over 20,000 mines of both types (anti-personnel mines and anti-vehicle mines) remain within the mined areas. 117 mined areas remain (including 4 areas that are only suspected of containing mines) that in total cover just over 13 sq kilometres;… The environmental, technical and geographical challenges that the Falkland Islands present for clearance mean that a de-mining operation is going to be a comparatively expensive one, costing millions of pounds. The Falkland Islanders are aware of this and in their May statement they conclude, "we would prefer the money to be spent on removing landmines from needier parts of the world."…" [1663]

November 28th, the UK is granted its requested extension – until March 1st, 2019. Despite having no access, Argentina informs the meeting that it intends to apply for its own extension.

"At that meeting, the United Kingdom announced its intent to proceed with clearance of three mined areas in the Territory and that this would involve establishing a national mine action authority, which would include representation from the Government of the Territory. For its part, Argentina referred at the same meeting to its intention to submit an article 5 extension request with regard to the mined areas in the Falkland Islands (Malvinas), which was expected to happen later in 2009." [1664]

December 3rd, the UK rejects Argentina's protest that the new Falklands Constitution is contrary; *"… to any aspect of the Joint Statements agreed between the United Kingdom and Argentina."*

"The formula on sovereignty agreed by both Governments as part of the Joint Statements was designed to enable the re-establishment of diplomatic relations between the United Kingdom and Argentina, while protecting both countries' positions on the sovereignty of the Falkland Islands. The sovereignty formula was designed to enable practical cooperation in the South Atlantic and to facilitate confidence-building. Neither of the Joint Statements agreed between the United Kingdom and Argentina makes any reference to negotiations on sovereignty. The United Kingdom of Great Britain and Northern Ireland also firmly rejects the assertion that the Falkland Islands Constitution Order 2008 contravenes any United Nations General Assembly resolutions. …" [1665]

"… the United Kingdom rejected the assertions that the Falkland Islands Constitution Order 2008 was contrary, either in practice or in spirit, to any aspect of the Joint Statements agreed between the United Kingdom and Argentina or that it contravened any General Assembly resolutions." [1666]

1662 *APLC/MSP.9/2008/WP.27*
1663 *Ibid.*
1664 *UN Doc. A/AC.109/2009/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1665 *UN Doc A/63/589*
1666 *UN Doc. A/AC.109/2009/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

December 5th, the General Assembly adopts the omnibus resolution *63/108; "... reaffirms that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions."* [1667]

On the same day, UN resolution *63/110* is adopted. Paragraph 7; *"Requests the Special Committee ... "(c) To continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend, as appropriate, to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence, ..."* [1668]

December 24th, at the UN; *"... the General Assembly decided that the agenda item on the question of the Falkland Islands (Malvinas) would remain for consideration during its resumed sixty-third (2009) session (decision 63/552)."* [1669]

December 30th, Argentina complains about the assignment of internet domains to the Falkland Islands and South Georgia.

"... the Argentine Government kindly requests ICANN and subordinate bodies to eliminate the domains known as ".fk" and ".gs" as well as their delegation to the so-called "governments" of the "Falkland Islands" and "South Georgia and South Sandwich Islands" or any other "organization" whatsoever..." [1670]

2009 – January 1st, the new Constitution of the Falkland Islands comes into force. [1671]

"According to the administering Power, as compared with the 1985 Constitution, the new Constitution enhances local democracy, establishes a greater degree of internal self-government and provides greater transparency and accountability, for instance through the creation of a Public Accounts Committee and a Complaints Commissioner. Moreover, it is in line with the provisions of the European Convention on Human Rights and the International Covenant on Civil and Political Rights. As before, legislative councillors elect a Speaker to chair what is now termed the Legislative Assembly, which meets regularly. They appoint a Chief Executive as head of the civil service to implement policy. Each councillor takes responsibility for a particular portfolio and works closely with the relevant departments. Councillors do not have ministerial responsibility. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Council who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney-General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The Governor retains responsibility for foreign policy and defence. By the terms of the new Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make laws for the peace, order and good government of the Territory is reserved for the British Crown." [1672]

The Falkland Islands Legislative Council is renamed the Legislative Assembly, albeit with few new powers. Councillor Mike Summers OBE comments.

1667 Operative paragraphs 1 & 2 of this resolution were of general application. *cf.* October, 2005 & 2016

1668 Yet again there was no restriction or caveat placed upon this statement, which must be seen to apply to all 16 NSGTs.

1669 *UN Year Book 2008*. In effect saying that the question of the Falklands would remain open for the rest of the session. The subject was not raised again. *cf.* 2004 & 2005

1670 *UN Doc A/63/719*

1671 Another step in the right direction but not enough. The United Nations requires Administering Powers to lead the peoples of those territories to a "*full measure*" of self-government. An undefined term, but there is clearly still a long way to go for the United Kingdom in its dealing with its Overseas Territories if it hopes the UN to see anything other than half-measures. See - https://falklandstimeline.files.wordpress.com/2018/01/falklands-constitution-2008.pdf

1672 UN *Doc A/AC.109/2009/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

"It is a new, post-colonial constitution initiated by the Falkland Islands Government, endorsed by the UK Government and on which the Falkland Islands people were consulted. It recognises the reality of the modern world in which the rights of free peoples are paramount and the assertion of territorial rights, irrespective of the wishes of those who live there, has no place.

It enshrines in the first Chapter our inalienable right to self-determination in accordance with the United Nations Charter, the International Covenant on civil and political rights and the European Convention. Despite being endorsed by the UN's Fourth Committee (Special Political and Decolonisation) as recently as last October, that principle has never been accepted by Argentina as applying to Falkland Islanders.

Whilst Britain and the Falkland Islands have moved on to a new relationship based on democracy and self-determination our Argentine neighbours remain in a time warp, still pressing their anachronistic claim to territorial sovereignty. It is they, not Britain, who wish to colonise the Falkland Islands."

"It is true that the impact of the changes is to complete the change in the political role of the Governor from acting as the leader of government business to being more like a constitutional monarch. In particular, the Governor's speeches in the Legislative Assembly have changed to reporting current political, economic and social change in a neutral manner. However, the legal role did not change to the same extent and many provisions of the new constitution still give the Governor the right to act against the wishes of the elected Falklands politicians. In addition, any future changes to the constitution must still be approved by the UK Privy Council. It remains a colonial constitution, but the Falkland Islands have moved further down the road towards self-government." [1673]

"On all questions, ultimate authority still lies with the UK Foreign and Commonwealth Secretary and the Governor acting under instructions from the British government in London. As may be seen in the Constitution, decisions of the Assembly and the Council may be vetoed; the Governor may act independently without obtaining their approval; and the Assembly may be dissolved by the Governor. ... Finally, while the Falklands Constitution was drafted in consultation with the former Legislative Council and the general public, agreement on the text required "negotiations" with the Foreign and Commonwealth Office. The Falkland Islands Government did not create the Constitution itself independently and it cannot now amend it as an act of self-government." [1674]

"Since then the Falklands constitutions of 1985, 1997 and 2009 have steadily reduced the Governor to a mere figurehead with a role comparable to that of the Queen in Britain." [1675]

On the same day, Britain's prime Minister Gordon Brown, sends a message to the Falkland Islanders. *"He told Islanders: "I have no doubts about the UK's sovereignty over the Falkland Islands an d undertake to uphold your security and everything you have worked so hard to achieve over the past 25 years. ... Mr Brown said it was time to look forward to the future: "And the opportunities we hope it will bring for the sustainable development of the Islands' natural resources whilst minimising the impact on your stunning natural environment for generations of Falklanders to come"."* [1676]

1673 *Documents on the Politics of the Falkland Islands: The Constitutions of the Falkland Islands* South Atlantic Council November, 2013

1674 Willetts 2013 p.8.

1675 Pascoe 2020 p.316

1676 *Penguin News* January 4, 2008

January 3rd, Argentina repeats its annual claim based upon events in 1833.

> *"On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities legitimately established there. The Argentine Republic immediately protested, and has never consented to that act of force.*
>
> *Today, 176 years after that illegal occupation, which is still continuing, the Argentine Government reaffirms once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime and island areas, as an integral part of Argentine national territory. …*
>
> *The Argentine Government believes that Argentina and the United Kingdom should jointly analyse all the bilateral understandings in the light of their ultimate goal, which is to contribute to a climate conducive to the resumption of negotiations on sovereignty."* [1677]

"In a letter dated 3 January 2009 from the Deputy Permanent Representative of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General (A/63/671, annex), the Government of Argentina transmitted the text of its press release "on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom", which inter alia stated that the reform process was a "new expression of disregard" for the aforementioned resolutions and "another violation" of the spirit of the aforementioned provisional bilateral understandings. According to information provided by Argentina, that press release reiterated in the same terms as the press release issued by it on 10 June 2008 in connection with the observance of the "Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector", Argentina's "continued willingness to resume the process of bilateral negotiations with the United Kingdom in order to find a definitive solution to the sovereignty dispute and settle this anachronistic colonial situation that is incompatible with developments in today's world"." [1678]

January 21st, the UK issues its annual rejection of Argentina's January 3rd claims.

> *"The principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. There can be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. The Islanders regularly make it clear that they wish the Falkland Islands to remain under British sovereignty. The right of the people of the Falkland Islands to determine their political future was freely exercised throughout the negotiation of the new Falkland Islands Constitution, which came into force on 1 January 2009. …*
>
> *The formula on sovereignty agreed by both Governments as part of the joint statements was intended to enable the re-establishment of diplomatic relations between the United Kingdom and Argentina, while protecting both countries' positions on the sovereignty of the Falkland Islands, and thereafter to enable practical cooperation in the South Atlantic and to facilitate confidence building. The joint statements make no reference to negotiations on sovereignty."* [1679]

January 23rd, Argentine on-line news outlet *El Malvinense* claims that 7% of the annual NATO budget is allocated to the Mount Pleasant military base in the Falkland Islands. [1680]

1677 *UN Doc A/63/671*
1678 *UN Doc A/AC.109/2008/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1679 *UN Doc A/63/690*
1680 That it's NATO, not SATO, seemingly eludes this on-line nationalistic journal. No supporting evidence was offered.

February 4th, Argentina protests the sale of postage stamps by the Falkland Islands Government.

"... the Argentine Government rejects the attempt by the United Kingdom to issue postage stamps on behalf of the alleged and illegal governments of the Malvinas Islands, South Georgia and the South Sandwich Islands, and the so-called "British Antarctic Territory", none of which are recognized by the Argentine Republic. In addition, the Argentine Government rejects the publicity given to the aforementioned postage stamps by the United Kingdom on the Internet, in that it distorts the geographical, historical and legal reality of the Argentine Republic." [1681]

March 6th, the UK rejects Argentina's protest of December 30th, 2008; *"The United Kingdom supports the right of the Falkland Islands and South Georgia and the Sandwich Islands to have country code Top Level Domains to service their respective communities."* [1682]

March 11th, the UK rejects Argentina's protest of October 28th; *"The use of this practice range is routine and such activity is not a matter that requires prior notification. The United Kingdom would like to remind the Government of the Republic of Argentina that similar routine manoeuvres have occurred on numerous occasions over the past 26 years and have never before drawn a protest ..."*

March 14th, in the Falklands, Argentine veterans arrive. Some are carrying plaques bearing the message '*peace is the way'* in both Spanish and English. [1683]

"In Argentina some radical groups have not been pleased by the message of peace being carried to the Falkland Islands. "Some groups are trying to hit us hard," said Sanchez, "Since we have been here they have already stolen photographs from our site and published them on their own site, and have changed our words in an attempt to cause trouble"." [1684]

"At the request of a visiting group of Argentine 1982 veterans, three councillors have met with them and had what they referred to as a worthwhile discussion. Councillors Mike Summers, John Birmingham and Richard Stevens met with two veterans from the group of 24 from Lujan and their travel agent. Councillor Summers said it was considered appropriate to meet with the veterans because they had requested it. He said the councillors were satisfied that the purpose for and conduct of the visit were proper and that the veterans were respectful of the people of the Falkland Islands. The difficulties caused by actions such as displaying flags and making patriotic gestures were discussed, along with the need to inform the administration in advance of large numbers visiting the Islands. Cllr Summers said the points were taken on board by the veterans who said their message was one of peace." [1685]

March 18th, in New York, the UN's Secretariat produces its annual working paper on the Falkland Islands.

> *"Action taken by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the General Assembly."* [1686]

1681 *UN Doc A/63/833*. The Falkland Islands joined the Postal Union in 1877. Argentina in 1878.
1682 *UN Doc A/63/759*
1683 There appears to have been one group of 17 Lujan veterans travelling with an unconnected group of 15 veterans aboard the same flight. Also 5 Argentine marathon runners, two film crews, a travel agent and a journalist.
1684 *MercoPress* March 19, 2009
1685 *Penguin News* March 20, 2009
1686 *UN Doc A/Ac.109/2009/13* p.14. My emphasis. *cf.* 2004

March 23rd, at Stanley, HRH Princess Anne arrives en-route to tour South Georgia. [1687]

"While not a state visit to the Falklands. HRH Princess Anne visited a wide range of government departments and both the Infant and Junior and Community schools on her first day … A thorough inspection of the Falklands Islands Defence Force facilities and equipment was first the agenda after lunch before the Princess visited Cape Pembroke lighthouse and paid her respects at the Atlantic Conveyor memorial." [1688]

March 28th, in Viña del Mar, Chile, Britain's Prime Minister attends a forum on Progressive Governance. Before the forum opens, Gordon Brown meets briefly with the Argentine President.

"The president stated with great clarity and firmness the need for the United Kingdom to do what the United Nations has asked and to hold talks to find a solution to a sovereignty conflict between the United Kingdom and Argentina over the Malvinas islands question. The Prime Minister replied according to the traditional British position that they are not willing to comply with the (UN) resolution, as long as the Islanders have a different position. The President clearly established that in the XXI century the persistence with an archaic colonial enclave is something not consistent with the world's rhythm and is something to be solved." [1689]

"The Prime Minister set out the British Government's long standing position on sovereignty in very clear terms. He emphasised the importance of self-determination. Both sides agreed that they have differences of opinion." [1690]

March 31st, in New York, during a submission to the UN Secretary-General on the question of decolonization, the Russian Federation notes; *"The Russian Federation firmly upholds the position that questions of territorial size, geographical isolation or limited resources should not affect the inalienable right of the inhabitants of Non-Self-Governing Territories to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. It is the responsibility of the administering Powers to create such conditions in those Territories as would enable their peoples to exercise this inalienable right freely and without interference. With regard to the Falkland Islands (Malvinas) and Gibraltar, each subject to sovereignty disputes, the Russian Federation holds the view that the search for a definitive solution should be based on negotiations between the relevant Governments."* [1691]

April 1st, in Qatar, Argentina's President makes a speech to a Summit of Arab-South American Countries.

> *"The Questions of the Malvinas and Palestine are but two terrible examples of non-compliance with the rules laid down by international organisations regarding law, and recognition of our countries."*

Following Kirchner's speech, Israel's Embassy in Buenos Aires issues a statement.

> *"The remark is out of place and takes us by surprise. What was clear to me is that Israel is to blame for all the problems of the Arabs. But we did not know that we reached as far as the Falklands."* [1692]

April 2nd, in London, on the anniversary of Argentina's invasion of the Falkland islands in 1982, Cristina Fernandez de Kirchner, attending a G20 conference, calls for sovereignty talks.

> "*Gentlemen officers and NCOs of our Forces Armed; Malvinas Veterans; combatant soldiers, today (I am) here present in this piece of Argentine soil in London. It is the first time that an Argentine*

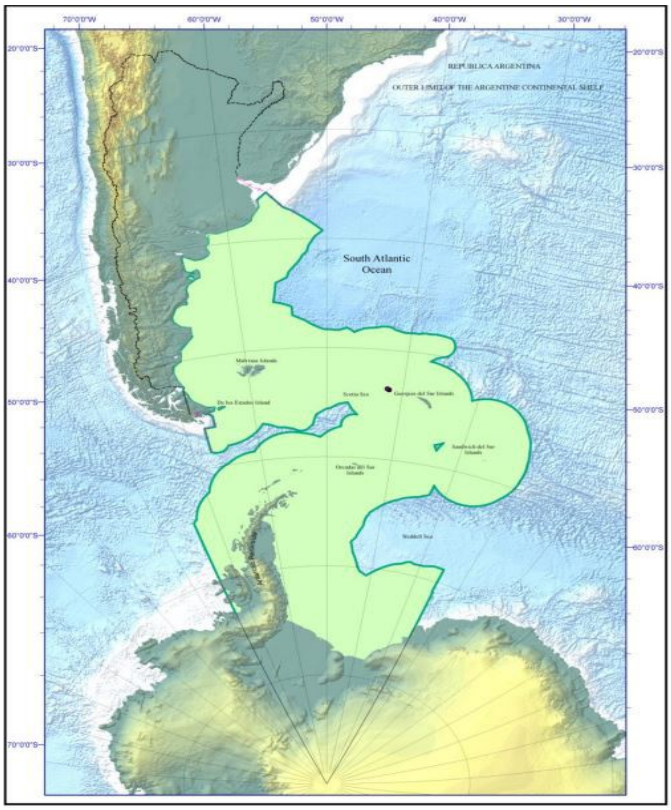
1687 HRH returned to Stanley on April 2, 2009 before departing to the UK the following day.
1688 *Penguin News* March 27, 2009
1689 Argentine Foreign Minister Jorge Taiana quoted in *MercoPress* March 29, 2009. The last UN resolution was in 1988.
1690 Foreign Office spokesman quoted in *MercoPress* March 29, 2009
1691 *UN Doc A/64/70: Implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism Report of the Secretary-General*
1692 *Mercopress: South Atlantic News Agency* April 2, 2009

president is (in London) on April 2 and it was a circumstance neither desired nor sought. You all know what I call "the contingencies of destiny". Wanted the destination that precisely such an important meeting due to the international economic situation, that destiny placed (me) precisely here, in London, between April 2 and April 3." [1693]

April 3rd, in the Falklands, *Penguin News* reports; *"Britain's naval bases around the world should be put under the control of Brussels, according to a report commissioned by the European Union. It says military facilities in the Falkland Islands, Gibraltar and Cyprus should become part of an EU 'forward presence' to help safeguard Europe's trade routes. The idea drew a rebuttal from the Ministry of Defence, which insisted British facilities would remain under British control."* [1694]

April 21st, in New York, Argentina makes an expansive submission to the Commission on the Limits of the Continental Shelf (CLCS); including claims to continental shelf areas off mainland Argentina, the Falkland Islands, South Georgia, the South Sandwich Islands as well as areas in Antarctica's Weddell Sea. [1695]

"Forty volumes of documentation, claimed to represent eleven years of technical and scientific work and weighing in at an incredible 840 kilos, were presented to the United Nations by Argentine Deputy Foreign Affairs Minister Victor Taccetti in support of his country's claim to a vast area of the South Atlantic, including Falkland Islands waters, according to the BBC's Buenos Aires correspondent. The UN Convention on the Law of the Sea (UNCLOS) currently provides that each coastal state possesses a continental shelf which extends to 200 nautical miles from the shoreline (regardless of whether or not a geological continental shelf exists that far) as a matter of international law. The Argentine 1,700.000 sq km (650,000 square miles) claim includes waters around the Falkland Islands, South Georgia and the South Sandwich Islands and adds considerably to this provision." [1696]



"Before the Commission met to consider the Argentine submission, the United States and Russia each issued protest notes against the inclusion of an Antarctic claim. India, the Netherlands and Japan did so shortly afterwards. ..." [1697]

1693 Quoted in *Malvinas: los discursos de Cristina Fernández de Kirchner y los medios masivos de comunicación* Paula Salerno 2018

1694 *Penguin News* April 3, 2009 citing Britain's *Daily Mail* newspaper.

1695 *Outer Limit of the Continental Shelf: Argentine Submission – Executive Summary* See - https://www.un.org/Depts/los/clcs_new/submissions_files/arg25_09/arg2009e_summary_eng.pdf *cf.* August & October, 2009 & 2016

1696 *Penguin News* April 24, 2009

1697 *Delimitation of the Argentine Continental Shelf* Peter Willetts 2016. See https://falklandstimeline.files.wordpress.com/2021/02/delimitation-of-the-argentine-continental-shelf-by-prof-willetts-2016.pdf

"On 21 April 2009, the Argentine Republic, after 12 specific campaigns and after invoking the scientific information available in pursuance of Argentine Law No. 20,489 and the Convention on the Law of the Sea, submitted to the Commission on the Limits of the Continental Shelf the documents supporting its submission on the outer limit of the continental shelf of the entire Argentine territory. Argentina thus performed an act of sovereign affirmation of its rights over a vast 1,782,645-km2 territory of Argentine continental shelf stretching beyond its exclusive economic zone and all throughout the natural area of its mainland territory, the islands of the South Atlantic and the Argentine Antarctic Sector, in addition to the 4,799,732 km2, up to 200 miles." [1698]

April 23rd, the UN's Secretary General, in his report on the 'Implementation of Decolonization Resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism,' comments on the British position with regard to the Non-Self Governing Territories.

> "*Some commentators have suggested that the United Kingdom should agree to allow Territories the options for status set out in United Nations General Assembly resolution 1541 (XV).*
>
> *This identified three options for de-listing (i.e., removing Territories from the United Nations list of Non-Self-Governing Territories). These were integration; independence; and free association. As already stated, the United Kingdom policy is not to agree to integration; and nor is there any indication that any of the Territories are seeking this. The United Kingdom's position on independence has already been set out. But the concept of free association, as defined by the General Assembly, would mean that the Territory itself would draw up its Constitution free from United Kingdom involvement. The United Kingdom would retain all responsibility for the Territory, but would not be able to ensure that it had the powers necessary to meet its responsibilities for the Territories. This is not a position the United Kingdom is willing to put itself in.*
>
> *General Assembly resolution 1541 (XV) is not legally binding.*
>
> *Furthermore, the United Kingdom did not vote in favour of the resolution. It believes that the guiding principles for the relationship with the Territory should draw on the Charter of the United Nations. This states, inter alia, that an administering Power shall take due account of the political aspirations of the peoples of its Territories, and assist them in the progressive development of their free political institutions according to the particular circumstances of each Territory and its peoples and their varying stages of advancement.*
>
> *The United Kingdom places the utmost importance on these fundamental principles, which are at the heart of the constitutional review process. The United Nations Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations (1970), which elaborates the principle of self-determination, also makes clear that there is an option for the peoples of a Territory in addition to those set out in resolution 1541. It says that the establishment of a sovereign and independent State, free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people."* [1699]

1698 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See https://eaust.cancilleria.gob.ar/en/node/1248

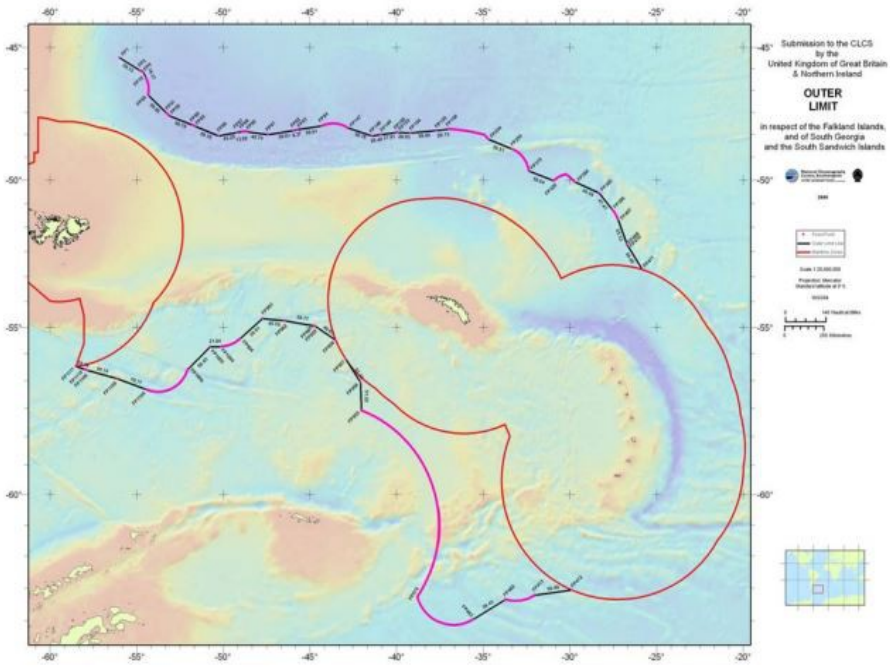
1699 *UN Doc A/64/70. Implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism Report of the Secretary-General*

May 11th, Britain submits its own claims to continental shelf areas to the UN Commission on the Limits of the Continental Shelf (CLCS). As a partial submission this does not include the UK's Antarctic territories, although the UK reserves the right to present a future submission with regard to those.

> *"The present submission deals only with the outer limit of the continental shelf in the region of the Falkland Islands, and of South Georgia and the South Sandwich Islands region, and is thus a partial submission of the UK. In accordance with paragraph 2(b) of Annex I to the Commission's Rules of Procedure, the UK wishes to inform the Commission that, in its view, this partial submission and the recommendations of the Commission made in respect of it will not prejudice matters relating to the delimitation of boundaries between the UK and any other State. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas."* [1700]

May 12th, Argentina promptly protests.

"Argentine Foreign Minister Jorge Taiana said that Britain's claim was, "unacceptable and inadmissible", and that Argentina would formally object to any attempt to extend the "illegal occupation" of Argentine territory." [1701]



May 13th, in Buenos Aires, Argentina Congress sanctions law *26,498* declaring the Argentine Military Cemetery at Fish Creek in the Falkland Islands a "*national historic site*".

The National Commission of Museums, Monuments and Historic Sites, together with the Commission of Relatives, are instructed to "*take the necessary measures to conserve, repair and restore*", the cemetery. [1702]

May 19th, Britain rejects Argentina's protest of February 4th, regarding an issue of stamps.[1703]

May 28th, Argentina formally protests to the UN's Secretary-General regarding Britain's submission to the Commission on the Limits of the Continental Shelf; *"Without prejudice to the representations that will be made in due course by the Government of Argentina to the Commission on the Limits of the Continental Shelf with*

1700 *Submission to the Commission on the Limits of the Continental Shelf pursuant to Article 76, paragraph 8 of the United Nations Convention on the Law of the Sea 1982 in respect of the Falkland Islands, and of South Georgia and the South Sandwich Islands – Executive Summary.* See - https://www.un.org/depts/los/clcs_new/submissions_files/gbr45_09/gbr2009fgs_executive summary.pdf
1701 *Penguin News* May 15, 2009
1702 Padilla 2025
1703 *UN Doc A/63/859*

respect to the United Kingdom submission of 11 May 2009, the Government of the Argentine Republic firmly protests and rejects the entire contents of the submission made by the latter on 11 May 2009 to the Commission on the Limits of the Continental Shelf, which refers to the continental shelf of the Argentine Republic." [1704]

June 4th, in Buenos Aires, Argentine Law 26.498 declares the Argentine Military Cemetery in the Falkland Islands a '*National Historic Monument*.'

In the UK, responding to a Parliamentary question, spokesman Chris Bryant states that the UK does not consider that any of its Overseas Territories should be listed at the United Nations as NSGTs. [1705]

June 10th, Argentina complains about the Secretary-General's April report.

> *"... the Argentine Government deems the inclusion of any information pertaining to the Malvinas Islands in the report of the Secretary-General incompatible with the object and purpose of that report which, pursuant to resolution 63/108, is to report to the General Assembly at its sixty-fourth session on the implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism..."*

Argentina also protests the inclusion of the Falkland Islands in UN reports relating to other British territories.

> *"The specificity of the question of the Malvinas Islands requires that the information pertaining to it be included in a report of the Secretary-General to the General Assembly on the overall implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, not in a report that is the corollary of a resolution that, like the resolution on the Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, does not deal with the question of the Malvinas Islands."* [1706]

June 18th – 19th, in New York, the Special Committee on Decolonization considers the Falkland Islands. [1707]

Falklands' Councillors Stevens and Robertson represent the Falkland Islands' people. Stevens tells the Committee that; *"... Far from being an itinerant, transplanted people shipped in by the British, as claimed by Argentina, they had originally hailed from a variety of places, as was attested by their family names, and had remained there of their own free will. Indeed, a high percentage of Falkland Islands families had lived there longer than Argentines in Argentina..."*

Robertson adds that; *"... the Legislative Assembly regretted the Committee's repeated adoption of a draft resolution that was contrary to the principles enshrined in the Charter of the United Nations and contrary to the wishes of the Falkland Islanders. It represented ... a denial of the principle of self-determination..."*

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution.

> "*1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."* [1708]

1704 *UN Doc A/63/890*
1705 *MercoPress* June 24, 2009
1706 *UN Doc A/64/70.* An attempt to distance the Falklands from the omnibus resolution which clearly identified that in the process of decolonization, there was *"no alternative"* to self-determination?
1707 *UN Doc A/64/23*
1708 *UN Doc A/Ac.109/2009/L.8.*

Speaking as an observer, Argentina's Foreign Minister, Jorge Taiana, asserts that the Falkland Islands' situation is; *"... unlike any other, as the Committee itself had recognized."* [1709]

Speaking as Committee members, Russia and China say that a solution acceptable to both countries should be found through bilateral negotiations. Sierra Leone calls for the Islanders to be allowed to exercise their right to self-determination. [1710]

On the second day, statements are made by the representatives of Mali, Brazil, Peru, Honduras, Guatemala, El Salvador and Uruguay. Saint Lucia demands consistency of action with regard to self-determination. [1711]

As in previous years, the draft-resolution is adopted without a vote. [1712]

"Councillor Mike Rendell said he and his colleagues were "neither surprised or dismayed" by the recommendation made by the C24 to call for direct sovereignty negotiations between Argentina and the United Kingdom. But he said it was no reason for the Falklands to stop attending the C24: "There is no doubt that the Falkland Islands should continue to get its message across to the C24 at every opportunity. There are still many misconceptions within the C24 about our particular circumstances, and the more that we can do to correct them, the better"." [1713]

"The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish" [1714]

June 25th, Argentina complains to the United Nations that some official documents are not using the 'correct' nomenclature when naming the Falkland Islands (Malvinas)/Malvinas (Falkland Islands). Argentina demands that the offending documents are republished and recirculated. [1715]

June 30th, the Special Committee on Decolonization publishes its annual report. Once again, the committee does not include its own Falklands resolution amongst those listed for adoption by the General Assembly. [1716]

July 14th, on the tenth anniversary of the 1999 Anglo-Argentine agreements; *"Former Councillor, Norma Edwards told the Falkland Islands Radio Station (FIRS) that Argentina has not kept its promises on air access or shared commitment on fisheries conservation. With regard to the latter she said, "Shared commitment was not enhanced, they (Argentina) share less information with us than before". Allowing Argentines into the Falklands meant Islanders "gave away our ace card". On air access she claims it was intended the Falklands would be allowed charter flights and potentially another scheduled flight, but this has not happened, "I don't think anything has come out of this at all apart from Argentines can come in and out... they haven't kept to any part of the agreement"."* [1717]

1709 For the full speech, see *UN Doc A/63/923*
1710 *UN Doc A/Ac.109/2009/SR.9*
1711 *UN Doc A/Ac.109/2009/SR.10*
1712 *UN DocA/Ac.109/2009/L.8*
1713 *Penguin News* June 26, 2009
1714 *UN Doc A/64/479*
1715 *UN Doc SPLOS/199.* In 1965, at the 20th session of the UN General Assembly, the Fourth Committee determined that, in all languages other than Spanish, all UN documentation would designate the territory as Falkland Islands (Malvinas). In Spanish, the territory would be designated as Malvinas (Falkland Islands).
1716 *UN Doc A/64/23*
1717 *MercoPress* July 15, 2009

July 19th, in Buenos Aires, provincial decree *986* awards a pension to the survivors of the Condor Group of hijackers who seized a plane and forced the pilots to fly to the Falklands in 1966. [1718]

July 21st, the UK rejects Argentina's protests of June 10th. [1719]

July 31st, figures published by the Falkland islands Government show that cruise ship tourism brought almost £4.2 million into the Islands during the 2008-9 season.

August 6th, the United Kingdom submits a *note verbale*[1720] to the UN's Commission on the Limits of the Continental Shelf (CLCS) rejecting the parts of Argentina's submission; *"... which claim rights to the seabed and subsoil of the submarine areas appurtenant to the Falkland Islands, South Georgia and the South Sandwich islands, and requests that the Commission does not examine those parts of the Argentine submission..."* [1721]

"The Argentine 'full submission' led to notes in 2009 from not only the UK in relation to all the disputed areas, but also the United States, the Russian Federation, India, The Netherlands and Japan asking the CLCS not to consider data for the shelf within the Antarctic Treaty Area." [1722]

August 8th, in the UK, an alleged secret GCHQ document states. [1723]

> *"Op QUITO (TSI): Following a couple OMGs and a significant amount of prep work, the planning phase of Op QUITO, an effects op to support FCO's goals relating to Argentina and the Falkland Islands,* ***is almost complete****. The plans are due to go to submission in the next month, and then this will hopefully lead to a long-running, large scale, pioneering effects operation."* [1724]

"... Edward Snowden, the former analyst of the United States Security Agency, among the intelligence material (he) leaked to the international press, released confidential documents from the United Kingdom showing that the authorities of this country had identified the Argentine Republic, from 2008, as the main objective for their espionage services: they were very concerned about the capabilities of the Argentine Republic to monitor British ships sailing to the Falkland Islands, as this could affect the fishing industry and prospecting for hydrocarbons at sea. They were also concerned about the Argentine Republic's scientific-technological development program: especially the ARSAT, Tronador and Pampa Azul projects." [1725]

In Chile, following pressure from Argentina, the *LanChile* airline remove bookings from its scheduled flights to the Falkland Islands due in October.

"About a dozen Islanders planning to travel on October 3 and 10 were last week wiped off the booking system by Chilean carrier LAN - together with an unknown number of other passengers - apparently following pressure from the Argentine Government, with whom the airline has a business arrangement. ... Government officials have for months been conducting delicate behind-the-scenes negotiations in an effort to ensure a large group of relatives of Argentine war dead could visit in October. While numerous smaller parties have visited in recent years, this particular visit coincides with the inauguration of the Darwin Cemetery. Controversy surrounded the visit from the start as Argentina attempted to waive its own ban on charter flights to the

1718 See September 28, 1966.
1719 *UN Doc A/64/165*
1720 *United Kingdom Mission to the United Nations, Note No. 84/09* 6 August 2009
1721 Quoted in Willetts 2016
1722 Dodds K. & Hemmings A. D. 2012
1723 Government Communications Headquarters
1724 My emphasis. Leaked by an ex-CIA contractor, Edward Snowden, in April 2015. Snowden had fled to Russia in 2013. This has become a favourite of conspiracy theorists despite there being no evidence whatsoever that the proposal, if it actually existed, ever received the necessary funding. OMGs? Oh My Gods?
1725 *Presentacion: Departmento de Atlantico Sur* Carlos Delgado 2018

Falklands, imposed in 2002. The two governments later agreed relatives would visit on the weekly LAN schedule, and a compromise appeared to have been reached that a larger plane could be used – an Airbus A340 with 258 seats instead of the regular A320 with 168 seats. This way, the government was assured its normal quota of passengers would not be reduced, while the Argentine Government could secure at least 180 seats for relatives – plus the balance of those not taken up by commercial passengers." [1726]

"... a group from the Argentine Foreign Affairs ministry met in Santiago de Chile with representatives from Lan Chile, the airline that links the Falklands with the continent, to request that for the event the Airbus A-320 be replaced by the A-340 which can transport 256 passengers. The official communiqué from the Argentine ministry finally established that the number of next of kin flying to the Falklands would be 170 on October 3 and 205 the following Saturday." [1727]

August 26th, in New York, at the UN, Argentina's delegation dealing with the country's submission to the Commission on the Limits of the Continental Shelf (CLCS) gives a verbal presentation to the Commission.

"4. Pursuant to section 2 of annex III to the Rules of procedure, the presentation of the submission was made to the plenary of the twenty-fourth session of the Commission on 26 August 2009, by Jorge Arguello, Permanent representative of Argentina to the United Nations, ..., Rafael M. Gossi, General Director of Political Coordination, Ministry of Foreign Affairs; ... Mr. Grossi indicated that the Presentation was a complete presentation, which covered the natural prolongation of Argentina corresponding to the continent, the islands and the Argentine Antarctic Sector. It pointed out that, as expressed in its note of April 21, 2009, Argentina took into account the circumstances of the region south of 60°S and that the Commission could not, in accordance with its Regulations, take any action, for the time being, with respect to the part of the Communication, the one related to the continental shelf annexed to the Argentine Antarctic Sector. With reference to annex I, paragraph 2(a), of the Rules of Procedure, he informed the Commission that there was one area that fell within the scope of rule 46 of the Rules of Procedure. In this regard, Argentina affirmed "its legitimate and imprescriptible sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the corresponding insular and maritime spaces for being part of the national territory" and expressed reservation about the note verbale of the United Kingdom of Great Britain and Northern Ireland ("United Kingdom") dated August 6, 2009, on which Argentina would later make a decision in a timely manner. ..." [1728]

After a private meeting to consider the presentation, the Commission determines that it is unable to consider the sections of Argentina's submission that cover areas under dispute.

"5. The Commission then continued its meeting in private. In addressing the modalities for consideration of the Submission, the Commission took note of the United Kingdom's Note Verbale, dated 6 August 2009, and the views expressed in Argentina's submission of its Submission in relation to this Note Verbale. Taking into account this note verbale and the presentation made by the Delegation, the Commission decided that, in accordance with its Regulations, it was not in a position to consider and qualify those parts of the Submission that were subject to dispute. The Commission decided that it would instruct the Sub-Commission, once established in accordance with rule 51, paragraph ten, of the Rules of Procedure, at a future session, to act accordingly." [1729]

1726 *MercoPress* August 28, 2009

1727 *Mercopress* September 1, 2009

1728 *Summary of Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission made by Argentina on 21 April 2009: Approved by the Sub-Commission on 21 August 2015: Approved by the Commission, with amendments, on 11 March 2016.* See https://www.un.org/depts/los/clcs_new/submissions_files/arg25_09/2016_03_11_COM_SUMREC_ARG.pdf

1729 *Ibid.*

"... the Argentine submission contained materials referring to the Argentine Antarctic Sector, and thus, unlike the UK, the Argentine Republic submitted a full submission with no reference to the constraints placed on sovereignty claims by the 1959 Antarctic Treaty. The CLCS will not be able to make recommendations concerning areas of shelf which are the subject of competing submissions, ..." [1730]

"The Commission acted in accord with the British suggestion that it should ignore those parts of the Argentine submission related to the Falkland Island and to South Georgia and the South Sandwich Islands. In effect, the Argentine submission and the delegation's presentation had given the Commission no choice, because they had accepted there was a dispute. ... It would appear that the pressure from the United States, Russia and other governments made the Argentines realise they could not attempt to hold out on Antarctica. ... The outcome was a clear rejection of the attempt in the Argentine Executive Summary to ignore the impact of the Antarctic Treaty. ... In summary, the initial Argentine attempt to disregard their commitment to the six other claimants, under the "agreement reached on a common position" had to be abandoned. Mr Grossi did accept that the Argentine submission on Antarctica would not be assessed. ... the Commission again had no real choice and it decided to ignore those parts of the Argentine submission related to Antarctica. " [1731]

"The Commission will not analyze submissions referring to the Malvinas, South Georgias and South Sandwich Islands made by Argentina and by the United Kingdom under the provisions of ANNEX I to the Rules of the Commission, establishing that such body will not consider or qualify the submissions referring to areas subject to a sovereignty dispute." [1732]

In Stanley, on the same day, members of the Argentine Families Commission arrive in Stanley for a four-day visit to prepare for the official inauguration of the Memorial at the Argentine Military Cemetery.

"The group's agenda in the Islands includes meeting with members of the Legislative Assembly, visit the cemetery at Darwin and attend a meeting at Government House to discuss a wide range of logistical elements of the October visit." [1733]

September 1st, the Argentine Government announce the creation of an *ad hoc* committee to oversee the arrangements for next-of-kin flights in October. Numbers attending are to be reduced from 649 to 375.

"According to decree 1138 published in the Official Gazette, the inter-ministerial committee will be responsible for the organization of the two flights of the Malvinas fallen in combat next of kin on October 3 and 10, and the two ceremonies planned for the consecutive Saturdays. The committee will act under the coordination of the Ministry of Foreign Affairs and includes one representative each from the Chief of Cabinet Office, and the Ministries of Interior, Justice, Health and Labour, to be named in the coming ten days. The committee will be involved in the "coordination of the inter-jurisdictional tasks referred to logistic, administrative, organization and all other aspects of the operation which are pertinent to the preparation and organization of the trips"." [1734]

".., originally planned for two delegations of 240 next of kin on the two first consecutive Sundays of October. ... The original idea was that one representative for each of the 649 Argentines killed during the 1982 conflict with Britain, would be present at the inauguration of the Memorial at Darwin cemetery, which had been completed in 2004. However the issue remained bogged (down) because the Falklands do not have the

1730 *More Unfinished Business: the Falklands/Malvinas, maritime claims and the spectre of oil in the South Atlantic* Klaus Dodds, Matthew C. Benwell 2010
1731 Willetts 2016
1732 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See https://eaust.cancilleria.gob.ar/en/node/1248
1733 *MercoPress* August 28, 2009
1734 *MercoPress* September 1, 2009

infrastructure or necessary logistics for lodging or receiving 700 to 800 people at one time, as Argentine authorities repeatedly insisted. Moreover Argentina has banned all charter flights to the Falklands. … Apparently one of the reasons for the significant reduction in the number of next of kin travelling for the ceremonies has been the drastic cuts in government budget spending which also includes Foreign Affairs. The Argentine government will be paying for fares, transport, food, medical insurance and lodging if necessary from the moment the next of kin leaves home until he/she returns. The other side of the story is that according to the agreement reached with the Kirchner administration, the two Lan Chile flights on October 3 and 10, had to respect bookings from Islanders and normal traffic, with the rest of seats available for the Argentine next of kin and not vice-versa. A combination of both seems the more plausible reason for the 375 number." [1735]

September 15th, in Spain, delegates from the Falklands attend the *World Summit on Fishing Sustainability*. Also invited, Argentina protests by walking out of the first meeting; stealing the Islanders' flags and nameplates on their way. [1736]

"Richard Cockwell told Mercopress, "All was fine on the first day of the conference but this morning when we arrived our flag and nameplate had been removed following a demand from Argentina. We stood back from the table initially, however, when it came to my time to speak on the Falklands record on sustainable fishing I moved forward, but I was bypassed". He added, "We made it very clear to the Spanish that we were offended with what happened; but as it happens the Argentine delegation were seemingly so embarrassed they did not speak either. Things appear to have settled and there doesn't seem to be a problem now. Really the Argentines need to grow up, the other country's delegates just found it ridiculous, the Argentines just made fools of themselves". The Falkland Islands Government delegation were invited to the conference by Spain; a country that conducts a great deal of business in the islands." [1737]

"The objections of Argentina to a Falkland Islands presence at international events was never unexpected, said Mr Wallace, but he was very disappointed the event's organisers had seen fit to uphold them and take the action they had." [1738]

September 23rd, in New York, at its opening session, President Cristina Fernandez de Kirchner addresses the UN General Assembly complaining that the Falklands archipelago is a *"colonial enclave"*. [1739]

September 25th, responding, Britain rejects Kirchner's suggestion; *"The Falkland Islands are not a colonial enclave. Britain's overseas territories are British for as long as they want to remain British. The people of the Falkland Islands have chosen to retain their link with Britain."* [1740]

October 1st, the UK signs a contract with a private company for the clearance of 4 mined areas in the Falklands.

"Overseeing the project and ensuring the work is carried out to International Mine Action Standards are C King Associate Ltd's Technical Advisor Guy Marot and Programme Manager Robin Swanson, who now are in the process of setting up the Demining Project Office (DPO) in Stanley. At the time of going to print the company contracted to carry out the clearance of four minefields this summer had not been named. It is the DPO's task to oversee the quality of the work carried out by the demining contractor." [1741]

1735 *MercoPress* September 11, 2009
1736 Miller 2010
1737 *MercoPress* September 16, 2009
1738 *Penguin News* September 18, 2009
1739 *UN Doc A/64/PV.4*
1740 *UN Doc A/64/466.* An enclave is entirely surrounded by another country's territory. Not the case for the Falklands.
1741 *Penguin News* October 9, 2009. The company contracted to carry out the work was subsequently named as Battle Area Clearance & Training Equipment Consultants (BACTEC)

October 3rd, in the Falklands, a ceremony of remembrance is held at the Argentine Military Cemetery; attended by some 170 next-of-kin – flown in from Argentina. No representatives from the Argentine government are present, although the next-of-kin are reported to have been seen off by President Fernandez de Kirchner.

"... "A day for humanitarianism: leaving politics aside and providing relatives of the fallen with a right to grieve" was how Paul Martínez, First Secretary from Falkland Islands Government House described Saturday's visit by 165 members of the Malvinas Families for the inauguration of the Memorial at the Argentine cemetery. The organization (from both sides) of the first of two consecutive day-trips of Argentine next of kin (the following is next Saturday) was considered "very efficient" and having run "smoothly" and according to schedule... The cenotaph, finished in 2006, was assembled in the shape of two extended arms embracing the graves and with only the names (no ranks) of all Argentines killed in the conflict engraved in plaques on the blocks." [1742]

"The majority of the first group was made up of relatives from crew members who went down with the cruiser General Belgrano and whose names, as all Argentines killed in the conflict, are engraved in 24 plaques at the memorial. The arrangements put in place for the first of two visits worked well, and the tight schedule was maintained in a quiet and dignified manner, as befits such an occasion. The inauguration service began at midday after the families had paid their respects at graves of relatives. While many of the graves are unmarked, they have been "adopted" over the years by families, and all were adorned with rosary beads and flowers. During the service, conducted by Father Sebastian Combin representing the Roman Catholic church in Argentina and Father Peter Norris of St Mary's in Stanley, the cemetery was blessed and mourners placed personal mementos in an urn of remembrance. ... No one from the Falkland Islands Government attended in an official capacity." [1743]

"The great majority of Argentines share a feeling of irredentism, and, within this, the bodies of combatants are a symbolic expression of a frustrated sovereignty. On the Argentine side, the cemetery appeared to be an enclave of national sovereignty within the British colony." [1744]

October 5th & 9th, in New York, the UN's Fourth Committee considers the work of the Special Committee.

During the first day's speeches, MERCOSUR representative José Luis Cancela (Uruguay) says that self-determination is the fair way of decolonizing those territories in which there existed a 'people' subjected to alien subjugation, domination and exploitation. However, decolonization and self-determination were *"not synonyms"*. A case in point being the Falkland Islands, where there were no such 'people.' Those nations expressing support for Argentina's claims during the debate are Ecuador, Venezuela and Cuba, Bolivia and Brazil. Exercising a right of reply, the UK merely states that its position is well known, and that; *"... there could be no negotiations on the matter until such time as "the islanders so decide." ..."* [1745]

"The representative of Argentina, in response to remarks made by the United Kingdom delegation, stated his Government's position that "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas" were an integral part of the territory of Argentina. The representative went on to say that various international organizations and the General Assembly had recognized the dispute over sovereignty, urging the Governments of Argentina and the United Kingdom to resume negotiations to settle the dispute." [1746]

1742 *MercoPress* October 4, 2009. In line with previous decisions, no flags were flown at the cemetery.
1743 *Penguin News* October 9, 2009
1744 Rubenstein 2011
1745 *UN Doc A/C.4/64/SR.2.* The Islanders had been recognised as a 'people' by the UN in 1952, and by the C24 in 1982.
1746 *UN Doc A/Ac.109/2010/15: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.*

On the second day[1747], the Fourth Committee forward 10 texts for adoption by the General Assembly. As the Special Committee on Decolonization's Falklands resolution was not included amongst its list of those recommended to be adopted, that issue goes no further. [1748]

October 10th, in Stanley, a second party of Argentine next-of-kin arrive, carrying a statue of the Virgin of Lujan, Argentina's patron saint. The statue completes the cenotaph.

''In this second trip, 183 next of kin, mostly brothers and children from the Argentine combatants killed in the 1982 conflict with Britain and buried in Darwin kept to a similar schedule as last week's visit of 170, except for the enthroning of a statue of "Our Lady of Lujan", Argentina's saint patroness. The image was brought from the mainland after having toured Argentina's 24 provinces and as such completed the assembling of the cenotaph that stands as two stretched out arms made of blocks, embracing the 237 graves and crosses, and with engraved plaques with just the names (alphabetic order and no service or rank) of all 649 Argentines that went down during the South Atlantic conflict. ... By four in the afternoon the Malvinas Family group, together with the press and special staff were ready to return to Rio Gallegos from where they had left early morning. They flew back in the same weekly Lan Chile flight that links the continent with the Falklands, and brought them in the morning." [1749]

" ... placing the figure of the Virgin of Luján – associated with the nation – in the Malvinas cemetery amounts to planting a new Argentine flag on the territory. This is a common conception of it, at least." [1750]

The installation of this catholic religious symbol, however, sparked criticism from other sectors of ex-combatants who felt that it thereby left out those who practiced other religions or did not profess any." [1751]

In Buenos Aires, an opinion poll is held to coincide with the inauguration.

"Eight out of ten Argentines believe the British presence in the Falkland Islands is a violation of Argentine sovereignty, according to a poll published this week. But a significant percentage is willing to consider the possibility of shared sovereignty. .... More than half of those surveyed openly disagree with the military occupation of 1982, although 79.3% consider the Falklands to be a "pretty important" or "very important" issue for the country. A significant number of young people consider the issue important, indicating that the question of sovereignty is not likely to disappear for some time. ... Three out of ten Argentines think in the future the UK and Argentina will share sovereignty over the Islands. ... Four in ten consider the inauguration of the Argentine Memorial at Darwin to be an achievement for the Argentine government, while 34.3% do not think this was the case." [1752]

October 23rd, in the Falklands, four *Euro-Fighter Typhoons* arrive to replace the *Tornado F3* fighters deployed at the archipelago for the previous 17 years.

November 16th, in Stanley, two Argentine tourists marry. [1753]

1747 *UN Doc A/C.4/64/SR.6*
1748 *UN Doc A/Ac.109/2010/15*. Also *Fourth Committee* Press Release *GA/SPD/427*. *cf.* 1989 & 1990
1749 *Mercopress* October 11, 2009
1750 Rubensten 2011
1751 Padilla 2025
1752 *Penguin News* October 16, 2009
1753 Responding to a question, the Registrar General, John Rowland, explained that on arrival on November 14th, the couple had immediately submitted a detailed and accurate application for a Special Licence under the Marriage Ordinance of 1996. The Registrar General prepared the necessary paperwork for the Attorney General and the licence was then signed by the Governor

"Claudia Emilia Fuertes and Carlos Julio Azuaga were married on Monday this week, at the Court and Registry office at 2pm. At an impromptu celebration held that evening the couple received a blessing and celebrated their marriage" [1754]

"... "Argentina does not recognise the authority that married them because it maintains a sovereignty dispute with Great Britain before the United Nations, and this fact cannot have any consequences for that discussion", said a government source who requested anonymity." [1755]

"The marriage of a veteran in the Falkland Islands continues to generate controversy, as it was carried out under British law governing the archipelago, over which Argentina claims sovereignty. "I didn't go out to find out about the legality of this marriage. The judge who married us gave us a certificate that is internationally valid, as he explained to us," Carlos Azuaga told "La Nación"." [1756]

"Legally divorced from their previous partners, they have been living together since 2003. They had planned their trip to the islands together, but Claudia didn't initially know of Carlos's intentions to get married there. For this reason, Carlos began contacting islanders via email to inquire about the necessary procedures and "whether it was possible". His connection on the island was the Blake couple, Tony and Mariela. What Charles was told from the islands was that, "with a passport and one hundred pounds", the ceremony could take place. But when the Blakes requested a wedding date, all the necessary paperwork for the wedding to go ahead appeared. For Carlos, the process involved gathering personal information on all family members from two years up to the wedding date, all translated and legalized by the Foreign Ministry and the Ministry of Foreign Affairs, which required approximately 400 pages of paperwork and approximately $2,000 in expenses. ... Meanwhile, in the Malvinas Islands, the Blakes were committed to Carlos and Claudia's cause. They organized a party for them at their home on the archipelago, obtained witnesses, made arrangements with the authorities, ... Mariela Blake invited islanders to attend the wedding via Facebook, but she also spent three days cooking for about 150 guests. Finally, the wedding was celebrated at the island's civil registry. After the ceremony, a party was held at the Blakes' home with the blessing of Marcelo Dentaro, a resident of Olavarría. The islanders raised funds and gave them a $3,500 excursion as a wedding gift. Today, months after their wedding, the bond between the Blakes, the Azuagas, and Olavarría residents José Mayi and Marcelo Dentaro is very strong. This weekend, the couple visited them in our city. Back home, with the marriage certificate in English, the Azuagas faced the unusual challenge of having their union recognized ..." [1757]

"A recent civil wedding in the Falkland Islands of an Argentine veteran in the 1982 war against Great Britain sparked a debate about the legality of such a relationship in Argentina, which disputes sovereignty of the archipelago with the United Kingdom. ... On October 8, the governor of the Malvinas Islands, Alan Huckle, authorized the marriage. The wedding date was November 16. ... The strong influence of the sovereignty issue over the Malvinas Islands, as we have explained, prevents the treatment of a marriage celebrated by authorities that Argentina considers "not in accordance with the law," leading us to determine the nonexistence of any act of this nature in the Islands under British aegis." [1758]

1754 *Penguin News* November 20, 2009

1755 *Polémica por boda en Malvinas* in *ABC* December 5, 2009

1756 *La Gaceta* December 7, 2009

1757 *Infoeme* April 19, 2010.

1758 *Aspectos de Derecho Internacional Privado en Malvinas: La discusión generada por un matrimonio celebrado en las islas y su reconocimiento en la Argentina* Bruno M. Tondini 2011. Long story short, this author argued that the marriage could not be recognised in Argentina. Other authorities appear to have disagreed, but I am unable to discover a final decision.

November 18th, Argentina's Congress sanctions law *26.552*, modifying law *23.775* of 1990. This redraws the boundaries of the Province of Tierra del Fuego to remove territory belonging to Chile.

> *"The province of Tierra del Fuego, Antarctica and South Atlantic Islands includes: the eastern part of the Big Island of Tierra del Fuego to the border with the Republic of Chile, the island of the States, the New Year islands, the Falkland Islands, Beauchêne Island, Cormorant and Black rocks, Southern Georgian islands, South Sandwich Islands, other islands, islets and rocks located in inland waters and in the territorial sea generated from these territories in accordance with the provisions of Law 23,968, including the islands, islets and rocks located to the south of the Big Island of Tierra del Fuego to the limit with the Republic of Chile;*
>
> *The territories located in the Argentine Antarctica between the meridians 25° West and 74° West and the parallel 60° South, the islands, islets and rocks located between the territories that includes the province of Tierra del Fuego, Antarctica and Islands of the South Atlantic."* [1759]

November 22nd, in Argentina, the daily newspaper *Perfil*, reports an interview with former Brigadier Brasilio Lami Dozo. Speaking about the Falklands War and relations with Chile, the former commander of the Argentine Air Force in 1982 admits that the ruling junta had plans to attack Chile if the Falklands operation had gone well.

> *"Q. Were they going to attack Chile afterwards? A. Exactly"* [1760]
>
> *"And he recalled a speech by the then dictator and general Leopoldo Galtieri just after he ordered the military invasion of the Malvinas: "Let (the Chileans) take as an example what we are doing now, because later it will be their turn"."* [1761]

November 30th, in Cartagena, at a State Parties to the Ottawa Convention meeting, Argentina applies for an extension to the deadlines concerning its responsibility for de-mining in the Falklands.

"In granting the request, the Conference noted that, while Argentina had put forward a "schematic plan" for implementing article 5 in mined areas that it has reported to be under its jurisdiction or control, Argentina itself has indicated that it "does not exercise territorial control over the land to be demined"..." [1762]

December 1st, the European Union's *Treaty of Lisbon* comes into force, confirming, in the case of the Falkland Islands; *"... the Territory's association with the European Union in accordance with part four of the Treaty on the Functioning of the European Union, specifically articles 198 to 204;..."*

Argentina protests.

"I have the honour to refer to the entry into force of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community. With regard to the list of overseas countries and territories (annex II) to which the arrangements for association of the overseas countries and territories provided for in part four of the Treaty on the Functioning of the European Union apply, the Argentine Republic recalls that the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands, as well as the Argentine Antarctic Sector, are an integral part of its national territory. Accordingly, the Argentine

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1759 Came into force December 11, 2009, *cf.* 1990, 2006, 2010 & 2016

1760 *Después de las islas pensábamos atacar Chile* in *Perfil* November 22, 2017. See - https://www.perfil.com/noticias/elobservador/despues-de-las-islas-pensabamos-atacar-chile.phtml

1761 *El ex dictador Galtieri iba a invadir el Chile en 1982* in *El Mundo.es.* See - https://www.elmundo.es/america/2009/11/22/argentina/1258929360.html

1762 *UN Doc A/Ac.109/2010/15*

Government rejects the attempt to include those parts of the Argentine national territory in the list of territories in annex II to which part four of the Treaty on the Functioning of the European Union applies." [1763]

In the Falklands, de-mining operations commence at Surf Bay; *"The sand dunes are to be literally "sieved" to remove any ordnance and then reshaped to form the coastline again, and will be the most challenging part of the operation said Robin Swanson, the demining programme manager. The demining programme officers oversee the work carried out by demining contractors BACTEC, ensuring it is conducted within the International Mine Action Standards as well as the national standards agreed and signed by the Falklands Government and the Foreign and Commonwealth Office."* [1764]

December 18th, the UK offers to resume military-to-military discussions under the South Atlantic Working Group; abandoned since 1994; *"The United Kingdom regrets that the Republic of Argentina has not yet responded to that United Kingdom paper and repeats that it would welcome military-to-military discussions."*[1765]

December 24th, at the UN; *"... the General Assembly decided that the agenda item on the question of the Falkland Islands (Malvinas) would remain for consideration during its resumed sixty-fourth (2010) session (decision 64/549)."* [1766]

In a Christmas radio message, Britain's Prime Minister Gordon Brown praises the Falklands for its *"community spirit, resilience and strong democratic foundation."*

2010 — January 3rd, Argentina sends its standard form letter to the UN's Secretary-General.

> *"On 3 January 1833, British forces occupied the Malvinas Islands, ... Today, 177 years later, the illegal occupation continues..."* [1767]

"An official communiqué from the Foreign Affairs Ministry released Sunday in Buenos Aires states that Argentina considers "incomprehensible the British negative to address the heart of the matter and to find a peaceful and definitive solution to the sovereignty controversy", according to the international community mandate." [1768]

In Stanley, the Falklands archives are renamed the Jane Cameron National Archive.

"... the former Falkland Islands Archives in Stanley were renamed the Jane Cameron National Archives (JCNA) in 2010 after the tragic death of archivist Jane Cameron; the title of her successor Tansy Bishop is Falkland Islands National Archivist; the annual address by the governor to the Falklands Legislative Assembly is called the State of the Nation Address (it is delivered by the Governor but written by the elected members of the Legislative Assembly), and the Falkland Islanders clearly have the right to be regarded as a nation." [1769]

1763 *UN Doc A/64//612:Letter dated 18 December 2009 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General.* Transmitting a copy of identical notes of 1 December 2009 addressed to the President of the European Council, the High Representative of the European Union for Foreign Affairs and Security Policy, the President of the European Commission and the President of the European Parliament. Rejected by the UK in a letter to the Secretary-General dated February 9, 2010 (*UN Doc A/64/672*).
1764 *Penguin News* December 4, 2009
1765 *UN Doc A/65/689. cf.* 1994
1766 *UN Year Book 2009. cf.* 2004 & 2005
1767 *UN Doc A/64/621*
1768 *MercoPress* January 4, 2010
1769 Pascoe 2020 p.295

January 12th, in a letter to the UN Secretary-General, Argentina rejects; *"... the extension of the territorial application of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, respectively, to the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland."* [1770]

January 18th, Britain rejects Argentine law *26/552* of December, 2009.

> *"My honourable friend the Minister for Europe (Chris Bryant) has made the following Written Ministerial Statement. The UK firmly rejects the enactment and promulgation, on 9 December 2009, of Argentine law 26.552 and thus the additional paragraph in Article 1 of Argentine law 23.775 in so far as it purports to include within a province of Argentina areas which comprise the Falkland Islands, South Georgia and the South Sandwich Islands and the British Antarctic Territory.*
>
> *The UK has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The UK also has no doubt about its sovereignty over the British Antarctic Territory (south of latitude 60°S and bounded by longitudes 20°W and 80°W). The Foreign and Commonwealth Office has delivered a note verbale to the Argentine Charge d'Affaires in London outlining the UK's rejection."* [1771]

January 20th, from Port Stanley, a freighter sails for the Rio de la Plata.

"The Thor Leader left the Falklands for the River Plate on January 20. It was not scheduled to return having already offloaded all the bulk exploration materials for the Ocean Guardian's arrival." [1772]

February 1st, in the North Falklands basin, two oil exploration companies, Desire Petroleum and Rockhopper Exploration, announce the commencement of operations under licences issued by the Falklands Government.

February 2nd, Argentina protests; *"the Government of the Argentine Republic firmly rejects the British attempt to authorize the carrying out of hydrocarbon exploration and exploitation activities in the area of the Argentine continental shelf under illegitimate British occupation."* [1773]

"Argentina has summoned the British ambassador in Buenos Aires to issue a "vehement protest" about the imminent start of drilling for oil and gas around the disputed British-ruled Falkland islands over which the two countries fought a brief war in 1982. ... The Argentine foreign ministry said it had protested against drilling "in areas of the Argentine continental shelf subject to illegitimate British occupation." ... A British embassy spokesman said: "The Falkland islands government is entitled to develop a hydrocarbons industry within its waters and it is long-standing UK government policy to support this." ..." [1774]

"While there have been strong protests from the Argentine Government about the drilling programme due to start in Falklands waters this month, it has not deterred other companies wanting to join Desire Petroleum, Rockhopper Exploration and Falklands Oil and Gas in the search for oil. At an extraordinary meeting of

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1770 *UN Doc A/64/626: Letter dated 12 January 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General.* Rejected by the UK in a letter of March 15, 2010 (*UN Doc A/64/722*)

1771 *Hansard - 18 Jan 2010: Column WS33: Written Statements – The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead).* This 'rejection' was itself rejected by the Argentine Government in a *note verbale* presented to the British c*harge d'affairs* in Buenos Aires on January 25, 2010

1772 *Penguin News* February 12, 2010. See below.

1773 *UN Doc A/64/653*

1774 *The Financial Times* February 3, 2010

Executive Council on Wednesday, new applications for seismic and geophysical surveys were considered and the Governor was advised to seek approval for both." [1775]

February 4th, in Buenos Aires, the Kirchner Government threatens the oil companies with; *"... consequences.."*

"Less than two weeks before the Ocean Guardian oil rig arrives in Falklands waters to begin the much anticipated drilling round, Argentina is ratcheting up its diplomatic stance in an attempt to put pressure on the British Government." [1776]

"Argentina will be taking the case of oil exploration in Falkland Islands waters by private companies licensed by the Islands government to the United Nations, but not to the International Court of the Hague as had been suggested since the London/Buenos Aires dispute resumed a few weeks ago. ... After a longer-than-an-hour meeting with the Foreign Ministry, (Fabiana) Ríos pointed out that any legal report the Argentina may elaborate on the United Kingdom may be before the United Nations, but not before its main judicial organ. "There are forums where complaints like this one can be reported, one of those forums is the United Nations itself," Ríos explained." [1777]

February 9th, from London, the UK rejects Argentina's complaints of December 1st.

> *"The European Union's relationship with the Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory is also set out in the 2001 "Overseas Association Decision", a European Community instrument that has been negotiated periodically between the European Commission and its Member States since 1991, most recently in 2007. The Overseas Countries and Territories of the European Union Association dates back to the Treaty of Rome (1957), one of the founding treaties of the European Union.*
>
> *The Lisbon Treaty reaffirms the European Union position that the Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory are Overseas Territories of the United Kingdom. The Lisbon Treaty has not affected the Overseas Countries and Territories of the European Union Association in substance, and in no way affects the status of the Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory as territories associated with the European Union in accordance with part four of the Treaty on the Functioning of the European Union.*
>
> *South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the question of the Falkland Islands, and it is not a listed territory within the United Nations Decolonization Committee.*
>
> *The British Antarctic Territory is also a separate British Overseas Territory, and the Antarctic Treaty provides an internationally agreed framework for Antarctica. Article IV of the Treaty protects the position of all States Parties in relation to sovereignty claims, recognition and non-recognition of claims, and precludes any activity to assert any new claim or enlarge any existing claim to territorial sovereignty in Antarctica."* [1778]

February 10th, in Argentina, the Paraná River, authorities detain a freighter, *Thor Leader*, loaded with oil pipes which they claim are destined for the Falklands; an allegation denied by the vessel's owners.

1775 *Penguin News* February 5, 2010
1776 *Ibid.*
1777 *MercoPress* February 12, 2010. Fabiana Rios was Governor of the Tierra del Fuego province of Argentina.
1778 *UN Doc A/64/672.* Itself, rejected by Argentina in a letter to the Secretary-General dated July 27, 2010 (*A/64/879*)

"Argentina has blocked a cargo ship from setting sail over suspicion it would supply oil drilling equipment to the Falkland islands, marking a sharp escalation... Authorities halted a consignment of tubes on board a ship in Campana, north of Buenos Aires, and accused the owners of aiding an "illegitimate" search for oil and gas. ... Techint, the world's biggest producer of seamless steel tubing for the oil industry, said the tubes were destined not for the Falklands but the Mediterranean." [1779]

February 16th, in Buenos Aires, President Cristina Kirchner signs decree *256/2010*.

> *"Any ship or naval artifact that intends to transit between ports located in the Argentine mainland and ports located in the Malvinas Islands, South Georgias and South Sandwich, or cross Argentine jurisdictional waters in the direction of the latter, and / or load merchandise to be transported directly or indirectly between those ports, you must request a prior authorization issued by the competent national authority."*

President Kirchner tells reporters*; "We do not believe in methods like blockades,.."*

"The approval will be needed for vessels travelling "or carrying goods directly or indirectly" between the mainland and the Islands, announced cabinet chief Anibal Fernandez during a press conference at Government House. "We must make take these decisions in the defence of Argentina's interests" that include sovereignty and natural resources, said Fernández. He added that Britain contrary to repeated United Nations reiterated declarations has "insisted in unilateral actions" ignoring the ***non innovation principle*** *while the dispute is on."* [1780]

"... within the framework of specific measures aimed at discouraging and preventing the illegitimate exploitation of its natural resources, the national Government issued "Decree No. 256/2010 for the movement of ships and naval artefacts between continental ports and those of the disputed islands",.." [1781]

"In February 2010, in response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters in the direction of its ports. ... Argentina granted authorization to a variety of vessels, including tourist cruises to the Falklands Islands (Malvinas) and South Georgia Islands, with the understanding that those activities favour the integration of the Islands into mainland Argentina." [1782]

February 17th, Britain's Embassy in Buenos Aires protests the new decree.

"The quick and stern British reply surprised Argentine authorities since normally embassy officials consult with London before responding to statements or actions referred to the Falklands." [1783]

At a rally held in Buenos Aires, President Kirchner tells those gathered that Britain has *"systematically misunderstood"* UN resolutions, in rejecting negotiations over the Falklands.

February 18th, Britain issues its annual rejection of Argentina's annual January 3rd letter.

1779 *The Guardian* February 12, 2010

1780 *MercoPress* February 16, 2010. My emphasis. A reference to UN GA resolution 31/49 which called on both sides *"to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands"*. 31/49 had been replaced in 1985. There has been no UN resolution on the subject of the Falklands since 1988.

1781 Caviasca 2018

1782 *UN Doc A/AC.109/2020/6 - Falkland Islands (Malvinas) Working paper* March 12 2020

1783 *MercoPress* February 17, 2010

"*The United Kingdom firmly rejects the assertion that developments on the Falkland Islands show disregard for any General Assembly resolution or violate, either in practice or in spirit, any aspect of the Joint Statements by the United Kingdom and Argentina. All developments affecting the economy of the Falkland Islands have been decided on by the Falkland Islands Government and their people. The United Kingdom supports the Falkland Islands Government's economic decisions and appreciates the need for the islands to adapt to the current financial climate."* [1784]

February 19th, Britain's *Guardian* newspaper publishes an editorial:

"Britain feels it necessary to maintain 1,000 troops, a destroyer and £300m worth of Typhoon fighter aircraft on the islands to defend 3,000 people, 500,000 sheep and a claim that does not come out particularly well from historical scrutiny. Patriotism and posturing on both sides has obstructed what would otherwise be the natural way forward, a pooling of sovereignty that would allow the islands to develop normal relations with their nearest neighbour. It might have happened in 1980 had Nicholas Ridley not been shouted down in the Commons and blocked by the islanders, when he proposed a reasonable plan to lease the islands from Argentina after a formal exchange of sovereignty. The Falklands are British because we fought for them in 1982 and because no government now could survive the apparent shame of giving them up. As a result, the UN's ritual annual call for direct talks over the issue gets nowhere. ... Britain can keep the islands in limbo; Argentinian politicians find the Malvinas issue an easy distraction. It is time for both to grow up."

February 20th, the website of the Falklands weekly news journal, *Penguin News,* is hacked.

"The Falkland Islands suffered a first cyber-war attack from Argentine hackers .., posting reasons why the disputed Islands should belong to Argentina rather than Britain. In the midst of the escalating controversy over the start of the oil drilling round in Falklands waters which Argentina firmly opposes, hackers posted in the weekly's home page a collection of pro Argentina statements in Spanish with a light blue and white background - the colours of the Argentine flag and an audio recording the "March of the Malvinas". The Argentine activists wrote that "the islands are Argentine" and claimed the move was a "tribute" to the country's soldiers who died during the Falklands War. The islands belong to Argentina because "we inherited them from Spain and the River Plate vice-royalty" argued the hackers. They also pointed out the fact "Argentina is the nearest country," and that navigators working for Spain in the 16th century first visited the Malvinas, long before England. The Islands also are part of Argentina's continental shelf, according to the posting. "The first children born in the Malvinas were/are Argentines" continued the cyber diatribe." [1785]

February 22nd, Britain formally rejects Argentina's complaint of February 2nd; *"... The United Kingdom supports the Falkland Islands Government in its wish to develop its hydrocarbons sector. ..."* [1786]

In Venezuela, President Hugo Chavez is interviewed on a radio show.

"Look, England, how long are you going to be in Las Malvinas? Queen of England, I'm talking to you, ... The time for empires are over, haven't you noticed? Return the Malvinas to the Argentine people... The English are still threatening Argentina. Things have changed. We are no longer in 1982. If conflict breaks out, be sure Argentina will not be alone like it was back then." [1787]

1784 *UN Doc A/64/675*

1785 *MercoPress* February 22, 2010. Usual inaccuracies. No Spanish ship saw or visited the Falklands before 1767. Being '*nearest*' has no meaning under international law, and the Islands have their own part of the South American continental shelf (see 1991). The first children born in the archipelago, were born to the French Acadian settlers in 1764.

1786 *UN Doc A/64/679*

1787 *The Telegraph* February 22, 2010

To the north of the Falklands archipelago, Desire Petroleum commence drilling for oil.

"Four days into a drilling operation that has captured the attention of the world's media. Desire Petroleum's Operations Director Bob Lyons conceded: "This is it: we're a one trick pony. It'll either be successful or it won't. It is very simple.' ... We were fully aware of what Argentina's stance would be so we planned it so we wouldn't require any support from anywhere locally. We're self sufficient, we can do it all ourselves," ... In view of the shipping restrictions Argentina had attempted to implement he said all the necessary equipment would come out of the UK, "so it doesn't affect us in the slightest"." [1788]

February 23rd, from Brazil, President Luiz Inácio Lula da Silva criticises the UN for not pushing more forcefully to reopen the debate over the islands.

"What is the geographic, the political or economic explanation for the UK to be in Las Malvinas? ... Could it be because the UK is a permanent member of the UN's Security Council where they can do everything and the others nothing?" [1789]

February 24th, in New York, speaking to the UN Secretary-General, Ban Ki-moon, Argentina's Foreign Minister complains of; *"... the worsening of the situation in the South Atlantic as a result of the United Kingdom's most recent unilateral actions in relation to oil and gas exploration in areas of the Argentine continental shelf..."* [1790]

> *"... the underlying reason for the visit was a pending conversation as regards Ban's role of being a good solicitor among (sic) the negotiations between Britain and Argentina ... He is to make a phone call to Britain and will take care of our situation. Several options are at stake and we'll see how to solve this matter."* [1791]

"Today's Times newspaper said a resolution was set to be tabled in the UN General Assembly condemning Britain for allowing the owner of the British rig, Desire Petroleum, to begin drilling 60 miles north of the islands after Argentina announced new shipping controls." [1792]

In the UK, the BBC reports:

> *"Latin American and Caribbean leaders at a summit in Mexico have unanimously backed Argentina in its new row with the UK over the Falkland Islands. Leaders of all 32 countries supported Argentine claims to the islands and condemned oil drilling operations that are already under way. The row erupted after a UK firm began drilling for oil off the Falkland Islands and Argentina objected. Buenos Aires has ruled out military action and is pursuing talks at the UN. In a statement, the leaders reaffirmed "backing for Argentina's legitimate rights in its sovereignty dispute with the United Kingdom relating to the 'Malvinas Question'". The statement also urged the two governments to "renew negotiations in order to find in the shortest time possible a just, peaceful and definitive solution to the dispute"."*

1788 *Penguin News* February 26, 2010

1789 *The Guardian* February 24, 2010. Then, as now, it only takes the request of one of the member nations of the UN to have the question of the Falklands raised before the UN General Assembly (GA). So it is intriguing as to why neither Argentina, nor any of its supporters, have called for a debate since 1988. Brazil certainly has not. The assumption must be that comments such as these are actually aimed at domestic consumption and should not be taken seriously. Britain may have the power of veto in the UN Security Council, but no such veto operates within the GA.

1790 *UN Doc A/64/711.* See March 15 below.

1791 Minister Jorge Taiana quoted in *MercoPress* February 25, 2010. There is no evidence of a 'phone call'. The Secretary-General apparently made it clear that his 'good offices' were available when "*requested by all parties.*"

1792 *The Guardian* February 24, 2010. No resolution was tabled before the General Assembly, and there was no call for a debate. This most likely referred to the annual resolution tabled before the Decolonization Committee that week.

"The British government, in upholding its own claim to the islands (and still under pressure from the Falkland Islands Lobby the islanders and their supporters in parliament and the press), is now faced not just with the hostility of Argentina but with that of the entire Latin American continent, including such traditional allies as Chile, Uruguay, and Brazil. Even more surprising, perhaps, is the fact that the Commonwealth islands of the Caribbean (as well as Guyana and Belize) signed up to the Cancún declaration. At the same time, the United States has been less than supportive of the British position." [1793]

February 25th, in addressing the Special Committee on Decolonization at its opening session, Secretary-General Ban Ki-moon tells the committee that it is; *"... crucial for administering Powers to work with the people of the Territories under their administration to generate further momentum for self-determination."* [1794]

"What does the Decolonisation Committee now do? It continues to meet once a year in New York for a two- to three-week session, and holds an annual regional seminar, the last in 2010 in Noumea, New Caledonia. But for the past decade it has achieved nothing. ... The decolonisation process has ended. The UN should recognise the fact. It should declare mission complete and dissolve the Committee. It has long outlived its usefulness. ... It has done nothing for ten years. It serves only as a platform for Argentina to promote its claim – a claim that does not stand scrutiny and is better described as a land grab. It costs money, at a time when few countries have money to spare. Even Russia, the only European member of the Committee, complains of cost and of over-politicisation." [1795]

March 1st, in Argentina, during a tour of South America, US Secretary of State Hillary Clinton suggests to the press that the US may be able to assist in bringing Argentina and the UK together.

> *"It is our position that this is a matter to be resolved between the United Kingdom and Argentina. If we can be of any help in facilitating such an effort, we stand ready to do so,.. We're not interested in and have no real role in determining what they decide between the two of them. But we want them talking and we want them trying to resolve the outstanding issues between them,.. We recognize that there are contentious matters that have to be resolved and we hope that they will do so."* [1796]

March 2nd, Britain rejects any suggestion of US mediation.

> *"We don't think that's necessary. We welcome the support of the Secretary of State in terms of ensuring that we continue to keep diplomatic channels open but there is no need for that (direct involvement).... (The) self-determination of Islanders is the key issue..."* [1797]

From Uruguay, the on-line South American news agency *MercoPress* reports;

"Spain has declared that the European Union should refrain from any type of involvement in the Falkland Islands dispute, according to the official news agency EFE. A spokesman for the Spanish Government, which currently holds the rotating six-month presidency of the EU, is quoted as saying that "this is not a European matter but a British one, a bilateral affair rather than a regional one. ... The Spanish Government says it understands that Buenos Aires should be recruiting support among South American countries in its sovereignty claim over the Islands, but considers that "the EU should not get involved as it is not a bi-regional matter"." [1798]

1793 Journalist Richard Gott speaking at the South Atlantic Council Conference April 15, 2011.
1794 The message was delivered by the Under-Secretary-General for Political Affairs.
1795 Alastair Forsyth addressing the South Atlantic Council's Conference April 15, 2011
1796 *Reuters* March 1, 2010
1797 *BBC News* March 2, 2010
1798 *MercoPress* March 2, 2010

March 4th, *The Washington Post* reports; [1799]

"You know that an Argentine leader must be in political trouble if the subject of the Falkland Islands has come up again. In this case the beleaguered president is Cristina Fernández de Kirchner, whose populist administration in Buenos Aires has lost the support of most of the country.

Hosting Secretary of State Hillary Rodham Clinton in Buenos Aires on Monday, Ms. Fernández de Kirchner requested that the United States mediate Argentina's dispute with Britain over the islands, which lie about 400 miles off Argentina's southern coast ... Ms. Clinton responded by urging the two sides to talk, while wisely sidestepping the mediation suggestion. Such studied neutrality is in keeping with traditional U.S. policy on the Falklands -- though it's worth remembering that mistaken interpretation of signals from Washington helped produce Argentina's disastrous 1982 invasion.

In this case, it's hard to see why the Obama administration should throw any lifelines to Ms Fernandez de Kirchner, who hasn't shrunk from playing to anti-American sentiment around the region.

Ms. Fernández de Kirchner is not threatening force, and she points to a provocation -- the arrival in the islands' territorial waters of a British company's oil rig. Most experts seem to be skeptical that the drilling will produce a big find. But the president has seized on the episode to stoke the curious jingoism that the islands inspire in her country.

The weirdness lies in the fact that there is no modern history of an Argentine connection to the "Malvinas", as they are called in Buenos Aires. The 3,000-odd inhabitants are mostly descendants of immigrants from Britain, and they overwhelmingly support continued British rule. That means that Argentina's claim that the territory should be "decolonized" into its hands is fundamentally at odds with the principle of self-determination.

Were oil to be found in the Falklands, Argentina could be a prime beneficiary, if it could set aside its senseless nationalism. Its ports and firms could provide a staging ground and supplies for the industry. Even better, Ms. Fernández de Kirchner could persuade oil firms to begin exploration in Argentina's coastal waters, which are empty of the rigs now lining up off the coast of Brazil. This, of course, would require the Argentine government to regain the confidence of foreign investors it has driven off with its toxic mix of populism and crony capitalism. For Ms. Fernández de Kirchner, it's easier to make speeches about colonialism -- even if they don't bring much return."

March 10th, in Buenos Aires, scores of demonstrators besiege the British Embassy.

Argentine Law *14.222* becomes effective. This promotes the teaching of Argentine rights over the Antarctic sector, the Falklands, South Georgia and the South Sandwich Islands.

"They have to stop with this 'malvinismo educativo' ('educational malvinism'), Government should promote a sober education: this instilling children with clichés about the 'Malvinas cause' seems toxic to me. And it is still in school nowadays." [1800]

1799 An Argentine cartoon from the period states, *"In case of decadent government, break the glass with the hammer."*

1800 Vicente Palermo quoted in *'Las Malvinas son Argentinas': Who Taught You That?* Lillo Montalto Monella in *Argentine Independent* April 4, 2012

From the Falklands, Councillor Jan Cheek responds to an earlier article by Simon Jenkins in Britain's *The Guardian* newspaper, in which he argued that Argentina has a strong claim to the Falklands. [1801]

"(Argentina's) claim to a territory 300 miles away is neither logical nor valid. Falklands inhabitants did not replace an indigenous population because there was none. The islands were claimed by Britain in 1765, long before Argentina existed as a country, and have been permanently settled since 1833. Some families, like mine, can now boast eight or nine generations on the islands. The Falklands are an overseas territory of the UK, with internal matters governed by a democratically elected legislative assembly, of which I am a member. … Jenkins believes us to be an "expensive legacy of Empire". He should be aware that the Islands are self-financing – except for defence, which is purely because of the continued Argentine claim to my country. And our government has expressed the wish to contribute more to these costs, should oil be discovered in commercial quantities." [1802]

"Councillor Jan Cheek this week unleashed broadsides against two British journalists: Matthew Parris of The Times and Simon Jenkins of the Guardian. Giving away the birthright of our grandchildren, some of whom are the eighth and ninth generation to live in the Falklands, would be the result of agreeing to a Hong Kong-style leaseback solution to the sovereignty dispute between Argentina and Britain, ClIr Cheek wrote in a letter to The Times on March 8. Cllr Cheek was responding to an article by Matthew Parris, headed: "Think of Hong Kong. Give the Falklands back," which appeared in The Times on February 2. She points out that the Falklands were never part of Argentina and so cannot be given or leased back, and that Islanders did not displace an indigenous population. Responding to another article, this time by Simon Jenkins, who referred to the Falklands as "an expensive nuisance," Cllr Cheek had a well-reasoned but forcible article of her own in the Guardian, which points out that the Falklands are self-financing, except for the cost of defence, which would not be necessary were it not for the fact that we have a large and hostile neighbour. Jenkins is further rebuked by Cllr Cheek for referring to the Falklands conflict as "the silliest of wars". This, she says, is an insult to those who liberated the country and "diminishes their incredible achievement"." [1803]

March 15th, Argentina sends a letter to the United Nations entitled - *Statement by the Argentine Republic on the most recent developments in relation to the Malvinas question, including the Secretary-General's mission of good offices.*

> *"The Argentine Republic acknowledges the Secretary-General's efforts in connection with the mission of good offices entrusted to him by the General Assembly, in the context of his functions under the Charter of the United Nations, and renewed annually by the Special Committee on Decolonization. The Argentine Republic urges him to continue to discharge that mandate, which relates to the effort to find a solution to the sovereignty dispute between Argentina and the United Kingdom over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas, and reaffirms its readiness to assist him in carrying out that task.*
>
> *In accordance with that mandate, the Secretary-General and the Minister for Foreign Affairs of Argentina have held a number of meetings on the Malvinas question, the most recent of which took place on 24 February 2010. On that occasion Argentina drew attention in particular to the worsening of the situation in the South Atlantic as a result of the United Kingdom's most recent unilateral actions in relation to oil and gas exploration in areas of the Argentine continental shelf unlawfully occupied by that country. …*

1801 An embedded reporter during the 1982 Falklands War, Jenkins has long been viewed as a supporter of Argentina when it comes to sovereignty of the Falklands.
1802 *The Guardian* March 10, 2010
1803 *Penguin News* march 12, 2010

Once again, the Government of Argentina reiterates its strong support for the actions that the Secretary-General continues to take in fulfilment of the good offices mandate entrusted to him by the General Assembly in its resolutions on the Malvinas question, and gratefully acknowledges the Secretariat's valuable contribution in that regard. In addition, it trusts that the United Kingdom, in response to the exhortations deriving from that mandate, will accept its obligation to settle disputes peacefully in accordance with the principles laid down in the Charter of the United Nations, together with its obligation to abide by the General Assembly's resolutions on the Malvinas question,..." [1804]

March 16th, in New York, the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization;

"Action by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the General Assembly." [1805]

March 23rd to 26th, in Brussels, the association for the Overseas Countries and Territories (OCTs) of the European Union meets; attended by MLA Roger Edwards.

"During the forum the Spanish Government issued a press release stating that at the coming Latam/EU leaders' summit, the Spanish Government would not be supporting Argentina's sovereignty claim over the Islands, should Argentine President Cristina Fernández de Kirchner ask for it. "The sovereignty of the Falkland Islands", the press release claimed, "was a matter for the British and Argentine Governments to decide without interference from other countries"." [1806]

March 25th, in the Falklands, one of the minefields laid by Argentina in 1982 is finally declared safe by Zimbabwean experts.

April 2nd, from Port Stanley, on the 28th anniversary of Argentina's 1982 invasion, the Falkland Islands Government publish a statement.

"Today we remember the events of 2 April 1982 which led to the deaths of over nine hundred people in the Falkland Islands over a period of 74 days. For those personally involved in the war, and their families, today will bring back sad and painful memories. In Britain, the Falkland Islands and in Argentina, the families of the fallen will be reflecting on the events of 1982. Two hundred and fifty five British servicemen, three Falkland Islanders as well as six hundred and forty nine Argentine servicemen lost their lives in the war. Many more were wounded, physically and mentally. Some will never recover. For many years, Falkland Islanders have welcomed next of kin visits from both Britain and Argentina. Only last October, under the auspices of the Argentine Families Commission, three hundred and seventy five relatives visited the Falklands to rededicate the Argentine cemetery at Darwin. It is right and proper that these visits should continue. Many veterans from both sides have also visited the Falkland Islands to ease the pain of that conflict. We welcome them and pay tribute to their courage.

1804 *UN Doc A/64/711.* Pure fiction. With no UN GA resolution since 1988, the Secretary-General had no specific mission to take action in relation to the Falkland Islands. Contrary to the last paragraph, there is no record or evidence of him attempting to do so. Full letter here - https://digitallibrary.un.org/record/679054?ln=en See May 19, 2010 below.

1805 *UN Doc A/Ac.109/2010/15* p.14. Yet again, no member State had called for a UN General Assembly debate during the previous 12 months. Not even Argentina. *cf.* 2004

1806 *MercoPress* April 21, 2010

Twenty eight years after the war, the Falkland Islands are a self-governing Overseas Territory of the United Kingdom with the inalienable right to determine our own future. It is appropriate that, on this day, we should re-emphasise our wish to seek peaceful co-operation with our neighbours as full participating members of the South Atlantic community, working with each other to ensure that never again will the tragedy of 1982 be repeated. Those who made the supreme sacrifice on both sides would expect nothing less of us." [1807]

Speaking from the port of Ushuaia, Argentina's President Cristina Fernandez de Kirchner comments that Britain's sovereignty over far distant islands; **"...** *is not sustainable by Law, geography or common sense ... it is plain colonialism and evidence of the double standard of International law. You can't demand weaker countries - for strategic reasons from developed countries - to abide international law and UN resolutions while one of them systematically violates them because they have a seat at the Security Council. ... we have the moral institutional and historic authority to demand respect for UN institutions, and claim that resolutions be complied with if we want to live in a civilized world and in peace."* [1808]

April 19th, visiting Venezuela, Argentina's President asserts that Latin America is in the process of a *"second independence."*

"Invited by Hugo Chavez as the honour speaker for the launching of Venezuela's 200 anniversary of the struggle for independence, Mrs. Kirchner blasted the United Kingdom for its intro-mission in the "Malvinas sea", thanked Latin America solidarity in Argentina's claims over the Falklands and described as a "universal obligation" that once and for all the "colonial enclave" in the South Atlantic must come to an end. "In my country there's an exploration rig that sailed 14.000 kilometres to extract oil from our Malvinas islands. That is the mirror which must guide us. This, the battle for natural resources is one of the clues that we must be aware of to understand the XXI century", said Mrs. Kirchner addressing the Venezuelan National Assembly. "We are going through an age of transformations", added the Argentine president... "I'm convinced we are facing a second independence and this means that the Malvinas islands will eventually return to their legitimate origin, Argentina, supported by law, history, geography and the inalienable rights of the Argentine people"." [1809]

May 6th, in the UK, a General Election results in a Conservative/Lib Dem coalition Government, with David Cameron as Prime Minister.

In the Falklands, on the same day, Rockhopper Exploration PLC announces an oil discovery.

"Rockhopper Exploration (LON:RKH), the North Falkland Islands Basin oil and gas exploration company, is pleased to announce that well 14/10-2 on the Sea Lion prospect has reached a depth of 2,744 metres. Initial data collected indicate that this well is an oil discovery, which would be the first in the North Falkland Basin. Rockhopper Exploration has run a suite of wireline logs and logging data collected thus far indicate that the oil well has encountered a 150 metre gross interval of sand and shales. The data show that the well has 53 metres of net pay distributed in multiple pay zones, the thickest of which has a net pay of 25 metres. These pay zones have an average porosity of 19%. The company now intends to collect additional logging information prior to making a decision whether to plug and abandon the well, or to suspend the well for future testing. It is also considering whether to drill an appraisal well on Sea Lion later during the current drilling campaign."

1807 *MercoPress* April 2, 2010
1808 *Ibid.*
1809 *MercoPress* April 20, 2010

"Any despair and disappointment that may have been felt when Desire Petroleum's first well did not immediately gush black gold all over the South Atlantic has been banished with the announcement by Rockhopper Exploration that it has made what it hopes is "the first oil discovery in the North Falkland Basin". Managing director of Rockhopper Sam Moody, who said he was "very excited at the result," said the well had found oil along intervals across 53m, which was 25m deep at its thickest. Now the company has to decide whether to plug the well, suspend it for future testing or drill an appraisal well." [1810]

"The possibility of oil changed the Islands' economy. A new optimism swept the community. Councillors told FCO representatives at a meeting that they wanted to contribute ten percent of this future revenue to their defence. The representatives immediately replied that they would take the lot! Legally the proceeds belonged to the Falkland Islanders, but the FCO expressed confidence it would be able to take a substantial part of the profit, colonialism at its worst." [1811]

Membership of the International Association of Prosecutors is granted to the legal department of the Falkland Islands Government.

May 14th, Argentina calls for a halt to oil exploration around the Falkland Islands.

"London reaffirmed British sovereignty over the Falkland Islands rejecting a call Friday from Argentine President Cristina Kirchner to new Prime Minister David Cameron to halt all oil exploration in the waters around the Falklands. A Foreign Office spokeswoman said: "We have no doubt about our sovereignty over the Falkland Islands and the surrounding maritime areas. The Falklands Islands Government is entitled to develop a hydrocarbons industry within its waters and it is longstanding UK government policy to support this"." [1812]

May 18th, in London, following calls by Argentina's President for sovereignty negotiations, Foreign Office Minister Jeremy Browne reiterates the new Coalition Government's support for the Islanders and states that; "*... the Lisbon Treaty clearly reaffirms the EU position that the Falkland Islands is an Overseas Territory of the United Kingdom."* [1813]

From Uruguay, the South American news agency *MercoPress* reports;

> *"Speaking at the Madrid leaders' summit after the new Conservative-Lib.Dems coalition under Prime Minister David Cameron rejected for a second time in less than a week requests to negotiate the Falklands sovereignty, Mrs. Kirchner recalled that the "United Nations has repeatedly called on the two nations to establish a dialogue.*
>
> *The United Kingdom is a very important country among those belonging to the European Union and the United Nations as well, and they should be setting an example and listen to the UN resolutions" insisted Mrs Kirchner during a press conference. She requested both nations to "respect the treaties, the international law and not to impose unilateral decisions".''* [1814]

In Britain, a House of Commons *Briefing Note* is made available.

1810 *Penguin News* May 7, 2010
1811 *Dirty Wars and Devious Politics: The Foreign Office, the Falklands, Argentina and the USA 1964-1999* Robert Elgood 2025 citing Livingston 2020 p.211
1812 *MercoPress* May 15, 2010
1813 Miller 2010
1814 *MercoPress* May 18, 2010

"The British Government has no doubt about Britain's sovereignty over the Falkland Islands. With the exception of the 2 months of illegal occupation in 1982, the Falklands have been continuously, peacefully and effectively inhabited and administered by Britain since 1833.

Argentina's claim to the Falklands is based on the grounds that, at the time of British ***repossession*** *of the Islands in 1833, Argentina had sovereignty over them through her inheritance, upon independence, of Spain's possessory title (uti possedetis), through her attempts to settle the Islands between 1826 and 1833, and through the concept of territorial contiguity.*

However, ***uti possedetis is not accepted as a general principle of international law****. Moreover Spain's title to the Islands was disputed and in 1811 the Spanish settlement was evacuated, leaving the Islands without inhabitants or any form of government. Argentina's subsequent attempts at settlement were sporadic and ineffectual.*

As for territorial contiguity, this has never been a determinant for title to islands (otherwise the Canary Islands, for example, might be Moroccan) and should not be used to overrule the right of self-determination.

The Argentine Government has argued that the Falkland Islanders do not enjoy the right of self-determination, on the (false) basis that they replaced an indigenous Argentine population expelled by force. However there was no indigenous or settled population on the Islands until British settlement."[1815]

May 19th, in London, in a *note verbale* to Argentina's c*hargé d'affaires*, Britain rejects Argentina's summary of March 15th. Copied to the UN by the UK's Permanent Representative.

"The Government of the United Kingdom supports the self-determination focus of your message to the Special Committee on Decolonization, conveyed by the Under-Secretary-General for Political Affairs, at the opening of the 2010 session of the Special Committee on 25 February 2010. You said that it was crucial for administering Powers to work with the people of the Territories under their administration to generate further momentum for self-determination.

The Government of the United Kingdom is of the view that the current approach of the Special Committee on Decolonization is not working. By voting to reject an attempt to qualify the principle of self-determination in its consideration of draft resolution A/C.4/63/L.6 (adopted by the General Assembly as resolution 63/108 A), ***the Fourth Committee reaffirmed that there was no alternative to the principle of self-determination in the process of decolonization****. By its vote, it also reaffirmed that the principle of self-determination is a fundamental human right, as recognized under the relevant human rights conventions.*

The Government of the United Kingdom believes that the Special Committee should now acknowledge that Fourth Committee vote and recognize the application of the principle of self-determination as the only long-term solution, in the twenty-first century, with regard to the remaining Territories.[1816] *...*

The United Kingdom considers that Presidential Decree 256/2010 and Disposition 14/2010 are not compliant with international law, including the United Nations Convention on the Law of the Sea.

1815 My emphasis. Republished 2012. See - https://falklandstimeline.wordpress.com/wp-content/uploads/2021/02/argentina-and-the-falkland-islands-house-of-commons-standard-note-january-2012.pdf

1816 My emphasis. A reference to the 2008 omnibus resolution of the Decolonization Committee that would have limited the right of self-determination in cases where there was a sovereignty dispute. *cf.* October 20, 2008

The United Kingdom of Great Britain and Northern Ireland would like to take this opportunity to remind the Government of the Republic of Argentina of its obligations under international law, and that the United Nations Convention on the Law of the Sea provides for ships of all States to enjoy the right of innocent passage through territorial seas, and freedom of navigation in the waters beyond the territorial sea.

Furthermore, … the rights of international shipping to navigate these waters expeditiously and without obstacle is affirmed in the 1984 Treaty of Peace and Friendship between Chile and Argentina with respect to the Straits of Magellan. Article 10 of the Treaty of Magellan further provides; 'The Argentine Republic undertakes to maintain, at any time and in whatever circumstances, the right of ships of all flags to navigate expeditiously and without obstacles through its jurisdictional waters to and from the Strait of Magellan.'…" [1817]

"*An early and welcome sign of the new British Government's attitude towards the sovereignty of the Falkland Islands came yesterday with the delivery to the Argentine Charge d'Affaires in London of a note from the Foreign and Commonwealth Office challenging the legality of recent attempts by Cristina Kirchner's government to hamper the free flow of shipping between the Islands and the continent.*" [1818]

"For its part, as set out in a letter circulated as a General Assembly document in May 2010, the United Kingdom considered, inter alia, that Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea." [1819]

May 18th - 20th, in New Caledonia, the UN's Decolonization Committee hold a Pacific regional Seminar.

"The Falkland Islands are happy with the current status of British Overseas Territory, based on the right to self determination and do not like being told by others what to do, Falklands' Legislative Assemble member Emma Edwards told a United Nations decolonization seminar held in New Caledonia. "… The Falkland Islands are currently not ready for independence, but we do express our right of self-determination with almost all of the people of the Falkland Islands wishing to remain and enjoy our British Overseas Territory status" said MLA Edwards during the UN seminar to mark the 50th anniversary of the General Assembly's Declaration on Decolonization." [1820]

May 24th, in Buenos Aires, the Foreign Ministry requests the attendance of the British Ambassador; *"… Shan Morgan has been summoned for a meeting on Monday with Argentine Foreign Affairs minister Jorge Taiana to receive a formal reply notice to the escalating diplomatic exchange between the two countries over Falklands and other South Atlantic Islands sovereignty which Argentina claims."* [1821]

"The Argentine … argued that the restrictions they seek to impose on shipping do not break international laws, because voyages to and from the Falklands (and other islands that Argentina claims) are really voyages to Argentine territory and so are an internal matter for Argentina." [1822]

June 1st, *Falkland Oil & Gas* (FOGL), in association with *BHP Billiton*, becomes the third oil company to commence exploratory drilling operations in Falkland Islands' waters.

1817 *UN Doc A/64/787: Letter dated 19 May 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General.* Full letter available here - https://digitallibrary.un.org/record/683300?ln=en
1818 *Penguin News* May 21, 2010
1819 *A/AC.109/2011/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*
1820 *Mercopress* May 27, 2010
1821 *Mercopress* May 24, 2010
1822 *Penguin News* May 28, 2010

June 5th, a group of Chilean students fly to the Falklands to improve their English language skills. The group is sponsored by Punta Arenas City Council, *Lan Chile* and the British Consulate. Argentina protests. [1823]

June 10th, on Argentina's "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector", its government issues the standard press release commemorating; *".. the establishment in 1829 of the Political and Military Command for the Malvinas Islands and the islands adjacent to Cape Horn in the Atlantic Ocean, by decree of Brigadier General Martín Rodríguez, Acting Governor of Buenos Aires Province."*[1824]

In Shanghai, at the World Expo, on the same day, Argentine Minister Jorge Taiana is reported as saying; *"... in respect to the current situation derived from unilateral illegal hydrocarbons exploration and exploitation activities in the zone illegitimately occupied by the United Kingdom, the Argentine government reaffirms its exclusive authority to establish conditions that make possible hydrocarbon activities in areas of the Argentine continental platform ... Argentine claim over those territories and austral maritime spaces is supported by the countries of our region."* [1825]

June 12th, at Rio Gallegos airport, protesters meet the *LanChile* flight on its stop-over.

"Members of the Malvinas Association of Civil Combatants from Buenos Aires unfurled a huge Argentine flag and let off light-blue and white smoke bombs at the end of the runway demanding the immediate suspension of all Lan Chile flights to the Falklands.... "We're here in defence of our sovereignty, we want flights of Lan Chile to Malvinas to be suspended", said Fernando Préstamo following the protest and quoted by La Nacion." [1826]

June 14th, Falkland Islanders mark the 28th anniversary of the British victory in the 1982 Falklands War.

June 23rd, in New York, Argentina's representative write to the UN Secretary-General in response to the letters of May 19th. [1827]

> *"First, the Argentine Republic finds it necessary to remind the United Kingdom that there is a sovereignty dispute between the Argentine Republic and the United Kingdom over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas and that the existence and characteristics of the dispute have been recognized by the United Nations in General Assembly resolutions ... The United Kingdom's attempts to justify its position are based exclusively on the principle of the self-determination of peoples. Moreover, in such justifications it invokes decisions of the Fourth Committee that refer not to the question of the Malvinas Islands, but to other colonial issues. ... in the decolonization process it is necessary to take each Non-Self-Governing Territory's particular features and specific circumstances into account.* [1828]
>
> *The question of the Malvinas Islands has been dealt with in a specific way because of the particular features it has been recognized as having through the above-mentioned resolutions. All those resolutions, issued over the past 45 years in the framework of the United Nations, call for the settlement*

1823 Made the worse in Argentine eyes when the Mayor of Punta Arenas, waving them off, referred to the archipelago as the 'Falkland Islands'.

1824 *UN Doc A/64/837.* Rejected by the UK in a letter addressed to the UN dated August 2, 2010 (*UN Doc A/64/887*). General Martín Rodríguez? There is a long held belief that the Hamburg businessman, Luis Vernet, drove the Buenos Airean claims to the Falklands in the 1820s. However Rodríguez is the name that repeatedly came up back then, albeit behind the scenes.

1825 *Mercopress* June 11, 2010

1826 *Mercopress* June 14, 2010

1827 *UN Doc A/64/844.* Full letter here - https://digitallibrary.un.org/record/685462?ln=en

1828 See the events of October 20, 2008 above. Somewhat disingenuous of Argentina to claim that the 2008 omnibus resolution considered "*other colonial issues*" when the wording was clearly of general application. The very reason that it failed to get past the Fourth Committee without amendment.

of a sovereignty dispute between Argentina and the United Kingdom. None of them characterizes the question of the Malvinas Islands in the manner in which the United Kingdom now seeks to frame it.

What is more, in 1985 the General Assembly expressly ruled out the applicability of the principle of self-determination when it rejected, by a wide margin, two British proposals seeking to incorporate that principle into the specific draft resolution on the question of the Malvinas Islands." [1829]

June 24th & 25th, at the UN, the Special Committee on Decolonization commences its annual consideration of the Falklands Non-Self Governing Territory. [1830]

The territory's people are represented by Councillors Emma Edwards and Gavin Short. Petitioners for Argentina are Guillermo Raimundo Clifton, Alejandro Betts and Nelson Daniel Gleadell. Emma Edwards addresses the Committee.

"Ms Edwards centred her arguments in questioning the C-24 current interpretation of facts and compare it with the original purpose, spirit and principles of UN General Assembly Resolution 1514. "What is more important to the Decolonisation Committee – people or the land? Why was this committee originally set up by the United Nations – to protect the rights of people or the rights of nations to argue over the sovereignty of land? Does the Decolonisation Committee really consider that the Falkland Islands are simply a group of rocks to be traded between two large sovereign world powers – regardless of the wishes of the people who live on those rocks?" … The Falklands representative added that C 24 was set up to help small, vulnerable colonised territories to stand up for their rights, to allow them to determine their own futures. "It was about supporting people and not supporting empire building. It was about supporting self-determination as a basic, but fundamental Human Right. We hope that this is still the intention and sprit of the current Decolonisation Committee. Why then are the Falkland Islands considered a 'special and particular colonial situation' by the Decolonisation Committee? The answer in one word is: politics" … "We have two, rather than one large country involved in the question of our sovereignty. It would seem logical that this would provide even more reason for the Decolonisation Committee to stand up for and defend the rights of the people of a small Island community". …"This committee needs to make a decision, which one of these is more important to the modern United Nations in the 21st Century: politics or Human Rights". [1831]

Gavin Short tells the Committee that he is a 6th generation Islander; *"…my forefathers arriving in the Falklands in 1842. My family have been in the Islands for as many, if not more generations than a lot of the Argentines can claim to have been in their country. … I am somewhat confused as to why I am here, as this is, I believe a decolonisation committee. The Falkland Islands today are not a colony in any way shape or form but a British overseas territory by choice."* [1832]

Petitioner for Argentina, Guillermo Raimundo Clifton says that; *"… Argentina's rights to the Malvinas Islands were based on a number of historical facts. Spain had had sovereignty over the Islands as a result of a papal bull and the occupation of territories in the South Atlantic. The United Kingdom had recognized that sovereignty in a number of treaties, and Spain had been the sole Power occupying all South Atlantic archipelagos from 1774; again, the United Kingdom and all other nations had formally accepted that*

1829 Not entirely true as the amendment was deemed to be repetitive. The right of self-determination already being mentioned in the resolution. See 1985.

1830 *UN Doc A/65/23.* See also working paper *A/Ac.109/2011/14*

1831 *Mercopress* June 24, 2010. Full speech here - https://en.mercopress.com/data/docs/c24-speech-2010-emma-edwards-mla.pdf

1832 Full speech here - https://en.mercopress.com/data/docs/c24-speech-2010-gavin-short-mla.pdf

sovereignty. The Malvinas Islands had been part of the jurisdiction of the Province of Buenos Aires since 1776 ..." [1833]

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution.

> *"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;.."* [1834]

As an observer, Argentina's newly appointed Foreign Minister, Hector Timerman, addresses the Committee.[1835]

> *"Argentina had never agreed to leave the Islands; the usurping Power had expelled the Argentine population and replaced it with its own subjects, and since then had prevented Argentines from settling or owning property there. Thus, the United Kingdom had created a sense of separateness from mainland Argentines. That population of transplanted British subjects could never be regarded as a people that had been subjugated by the colonial Power. Therefore, the right of self-determination did not apply: there was a colonial situation, but no colonized people. It would be a dangerous precedent to accept that the simple passage of time could create rights for an occupying Power, in spite of protests from those that had been ejected and even from its own subjects.*
>
> *When the United Kingdom claimed the right of self-determination for the transplanted British population of the Islands, it was merely claiming self-determination for itself. Its suggestion that there could be no negotiations with Argentina until the British inhabitants of the Islands so wished, was clearly contrary to the spirit and the letter of resolution 1514 (XV).*
>
> *The United Kingdom had made two attempts to include references to self-determination in the resolution on the question of the Malvinas Islands in 1985, but the international community had voted against it with an overwhelming majority, and the* ***General Assembly had confirmed that the principle of self-determination did not apply to the question of the Malvinas Islands****."* [1836]

As in previous years, Chile's draft-resolution is adopted without a vote.

June 26th, in Toronto, Canada, Argentina's President meets with the British Prime Minister at the G20 summit, but makes no mention of the Falkland Islands.

July 2nd, interviewed by *Penguin News*, Robert Hannigan, Director General for defence and Intelligence at the Foreign Office, confirms; *"The commitment to the defence of the Falklands is complete, and we will do what is necessary. But we never comment on force levels. It is not sensible to do so."*

July 4th, in Argentina, in *La Prensa Austral* newspaper, Argentine diplomats are reported as questioning the recent Chilean students' visit to the Falklands. Argentine Embassy official, Celeste Koch, argues that the visit; *"recognizes the legitimacy of a government in a disputed territory."*

1833 *UN Doc A/Ac.109/2010/SR.9.* Mostly inaccurate, see 1713, 1749, 1771, 1774, 1776 & 1811.

1834 *UN Doc A/Ac.109/2010/L.15.* "*Special & particular*" was a phrase that did not appear in Special Committee draft resolutions until 1989. One year after the last UN GA resolution in 1988.

1835 *UN Doc A/Ac.109/2010/SR.9. cf.* 1985 & 2008

1836 My emphasis. A lie. The General Assembly speaks through its resolutions and no GA resolution has ever asserted or confirmed that the right of self-determination does not apply to the Falkland Islands people. Under UN resolution 1514 of 1960, there are no exceptions to the application of the right in the case of the listed non-self governing territories.

July 6th, in New York, at the UN, the Decolonization Committee publishes its annual report; once again failing to include its own Falklands resolution among those recommended for adoption by the General Assembly. [1837]

July 13th, in London, Argentina's Embassy threatens Argos Resources, an oil exploration company due to operate in the Falklands, with "*action*" should the company act on its licences.

> "*Argos Resources the latest company to announce it will begin oil exploration operations offshore the Falkland Islands was sent a letter by the Argentine embassy in London warning it "to abstain" from such activities otherwise "it will face legal actions", according to reports in the Buenos Aires press. Quoting Argentine Foreign affairs ministry sources La Nacion says that as happened with the other four British oil companies operating in the disputed Falkland Islands, Argos Resources was warned to abstain because the exploration licences unilaterally extended by the Falklands' government are "illegal and illegitimate". Argos Resources is the fifth company to join the current Falklands' oil round together with Desire Petroleum, Rockhopper Exploration, Falkland Oil and Gas Ltd and Borders & Southern Petroleum."* [1838]

July 22nd, at the Hague, the International Court of Justice (ICJ) gives its advisory opinion in the Kosovo case. On the question of whether Kosovo's unilateral declaration of independence was a breach of international law the decision is that; "*.. the declaration of independence of the 17th of February 2008 did not violate general international law because international law contains no prohibition on declarations of independence.*"

The Court also notes;

> *"During the second half of the twentieth century, the international law of self-determination developed in such a way as to create a right to independence for the peoples of non-self-governing territories* ***and*** *peoples subject to alien subjugation, domination and exploitation."*

Judge Yusef submits a separate opinion.

> *"Surely there is no general positive right under international law which entitles all ethnically or racially distinct groups within existing States to claim separate statehood, as opposed to the specific right of external self-determination which is recognized by international law in favour of peoples of non-self-governing territories* ***and*** *peoples under alien subjugation, domination and exploitation."* [1839]

From Buenos Aires, viewed as an attack on the concept of 'territorial integrity', Argentina rejects the ICJ's decision despite having voted in favour of the UN GA resolution that put the question before the court. [1840]

In Buenos Aires, on the same day, Argentina cancels its membership of the International Association of Prosecutors.

"Argentina walked out of the International Association of Prosecutors, IAP, because the Falkland Islands were admitted as a full member of the organization according to press reports from Buenos Aires. Argentina's Prosecutor Office notified the decision to IAP offices in The Hague in disagreement with the acceptance of the

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1837 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2010 A/65/23.*

1838 *Mercopress* July 13, 2010

1839 My emphasis. Two separate groups.

1840 The judgement confirmed that the legal principle of self-determination developed in the second half of the 20th Century (*i.e.* after 1945) was applicable to - "*non-self-governing territories* ***and*** *peoples subject to alien subjugation, domination and exploitation."* Two separate groups. Argentina immediately saw the danger in this decision, hence its 'rejection'.

(disputed) Malvinas Islands, under British rule, as a member of the organization. Argentina which is a member since 1998, "rejects the recent IAP decision to admit as member a pretended legal department of a territory submitted to a sovereignty controversy", said the letter signed by Argentina's Attorney General Esteban Righi and sent to IAP president Francois Falletti from France. "Such a decision is contrary to the UN General Assembly Resolutions that acknowledge the existence of a sovereignty dispute over the Malvinas, Georgia del Sur and Sandwich del Sur Islands and the adjoining maritime spaces", adds the letter released Thursday." [1841]

July 23rd, in a note to the UK's Embassy in Buenos Aires, Argentina rejects Britain's February 9th letter.

> *"The principle of self-determination of peoples invoked by the United Kingdom as the only argument to sustain its position in the sovereignty dispute is not applicable to the question of the Malvinas Islands. This is **reflected** in General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25 and in the resolutions adopted each year by the Special Committee on decolonization.*
>
> *These resolutions have described the question of the Malvinas Islands as a special and particular colonial situation, involving a sovereignty dispute between the Argentine Republic and the United Kingdom that needs to be resolved by means of negotiations between the two parties, taking into account the interests of the inhabitants of the islands."* [1842]

August 2nd, in New York, Britain's *charge d'affairs* at the UN, Philip Parham, writes to the Secretary-General regarding Argentina's letter of June 10th.

> *"... It claims the establishment by decree on 10 June 1829 of an Argentine Political and Military Command for the Falkland Islands and the creation of an appropriate institutional framework for the subsequent colonization undertaken by Luis Vernet. However, the Government of the United Kingdom protested against the 10 June 1829 Argentine Decree on 19 November 1829. In addition, Luis Vernet had applied for and been granted a Falkland Islands land grant at the British Consulate in Buenos Aires on 30 January 1828. ...*
>
> *The Government of the United Kingdom is clear that none of the civilians living on the Falkland Islands were expelled from the Falkland Islands on 3 January 1833. Some chose to leave, but the majority remained. Historical evidence supports this. The only individuals who were expelled were the members of the Argentine military garrison who had been sent to the islands three months earlier to impose Argentine sovereignty on the civilian population.*
>
> *The Government of Argentina has not continuously protested against United Kingdom sovereignty over the Falkland Islands since 1833. In 1850 the United Kingdom and Argentina signed the Convention of Settlement, which settled "the existing differences" between Argentina and the United Kingdom and "perfect friendship" was restored. Argentina made no formal diplomatic protests over the Falkland Islands for 38 years after the 1850 Convention of Settlement.*

1841 *Mercopress* July 23, 2010

1842 *UN Doc A/64/879: Letter dated 27 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*. Reissued for 'technical reasons' on August 10, 2010 (*UN Doc A/64/880*). My emphasis. Reflected? Carefully worded to deceive. None of the UN GA resolutions identified by number state that the right of self-determination is inapplicable to the Falklands NSGT. Nor do they contain any reference to "*a special and particular colonial situation*". Decolonization Committee (draft) resolutions have employed the phrase certainly, but only since 1989, since when not a single one has been adopted by the UN GA.

In the 90 years between 1850 and 1940 Argentina only made one formal diplomatic protest over the sovereignty of the Falkland Islands: that made by the Argentine Foreign Minister, Norberto Quirno Costa, in 1888." [1843]

August 28th, Britain's Ambassador to the United Nations writes to the organization's Secretary-General.

"The United Kingdom Government considers the existence of the Special Committee of 24 and the list of Non-Self Governing Territories to be outdated and remains of the view that none of its Overseas Territories should remain on the list." [1844]

September 5th, in the Falklands, the clocks are changed to Falkland Islands Standard Time (UTC -3). [1845]

September 10th – 19th, in Kenya, a Falklands' government representative attends the Commonwealth Parliamentary Association's conference. Referring to his earlier speech before the UN's Special Committee, Dick Sawle addresses the conference.

"Thanks to much hard work and research by Peter Pepper and Graham Pascoe, the speech also went through some detail of the expulsion myth proposed by Argentina. The historical falsehoods stated and repeated many times in 1964 at the UN by Argentina have been proved to be exactly that... a crucial point agreed by the UN 4th Committee in 2008 was that any dispute over sovereignty should not affect self-determination which is a fundamental human right." [1846]

Sawle concludes that Argentina has; *"a simple desire to steal what is ours and to subjugate a fiercely independent people to an authority that we do not admire, respect, desire, envy or want."*[1847]

"Cllr Sawle said: "For the Falklands. this was an important chance to state our case clearly and. while the CPA itself is not a body that can pass resolutions, it is nevertheless the second largest body of political opinion after the United Nations. For the Falkland Islands, it is therefore a very important conduit in which we can express our views and hope to influence decision makers who represent over two billion people in the world". He said the speech itself was well received and covered some of the key issues of sovereignty in general, and the challenges that many small slates faced from threats to their sovereignty." [1848]

September 15th, at the port of Montevideo, Uruguay denies permission for HMS *Gloucester* to enter, citing its relationship with Argentina.

" Hi Pepe, Pepe Mujica, president of Uruguay, I want to thank you in the name of all Argentines for your immense gesture on not allowing an English naval vessel from taking provisions and fuel in Uruguayan territory." [1849]

Privately, President Mujica apologies to the British Ambassador.

"..."We can't take risks", Uruguayan President Jose Mujica reportedly said, after HMS Gloucester had permission to resupply in the port of Montevideo retracted, just hours before her planned arrival. ... A military

1843 *UN Doc A/64/887.* This rejection was itself rejected in a letter from Argentina to the Secretary-General dated October 19, 2020 (*UN Doc A/65/530*). See below.

1844 *UN Doc A/65/330*. The reference to 1888 is not strictly accurate. There was a conversation that year involving the British Ambassador, but no formal protest was presented by the Government of the Argentine Republic.

1845 Although some residents of West Falkland Island continued to maintain the previous system of Falkland Islands Time (UTC -4) known as Camp Time. *cf.* 1912 & 1983

1846 *MercoPress* September 13, 2010

1847 *Ibid.*

1848 *Penguin News* September 17, 2010

1849 Argentine President Kirchner tweet quoted in *MercoPress* September 24, 2010

spokesperson in the Falkland Islands confirmed diplomatic clearance had been withdrawn for a short, routine port visit between September 15-17. ... The decision to turn the Gloucester away is viewed as a solidarity gesture by Uruguay towards Argentina, because of several bilateral issues which need to be worked through. ... President Mujica contacted British authorities saying it was a "priority" for his government to align with Argentina over the "very delicate" Falklands issue. This prompted Argentine President Kirchner to produce a video message which included what sounded like a call to arms to Mr Mujica, suggesting they formed a "joint defence" against Britain Referring to Britain, she said. "We know they are coming to exhaust our natural resources. They may come for the oil, they may come for the fish. They arc after Argentina today, maybe they will be after Uruguay tomorrow".” [1850]

“... "There is no such gesture", replied Mujica to Cristina's Twitter, ... Government sources said Uruguay "has very a good relation with the United Kingdom, but the criteria was adopted taking into account records and the current situation with the (Argentine) neighbours".” [1851]

A Spanish trawler sailing from the Falklands to Uruguay is denied the right of innocent passage through Argentine waters.

“A Spanish flagged trawler that operates in Falkland Islands waters and was heading to Montevideo to unload 700 tons offish was denied "innocent passage" through Argentine waters and had to steam an additional 17 hours at a cost of 7,000 litres of fuel before it finally unloaded its cargo in the Uruguayan port. Costa do Cabo is licensed by local company Bold Ventures, and owned by Elvio Cofre and Amanda Forster. Sulivan Shipping are the agents for the vessel. Mr Cofre said it was inconvenient for the operators to take the longer route and it had caused increased cost. "But as people here in the Falklands were resourceful, the economic blockade the Argentines were attempting to put in place would not have a great effect, and would possibly have a positive outcome if the facilities were to become available for vessels to do all their business here in the Islands instead of in Uruguay," he said.” [1852]

September 24th, in New York, Cristina Kirchner speaks at the opening session of this year's General Assembly.

> *“... we must once again, here in this Assembly, demand respect for our sovereign rights over the Malvinas Islands. We do not do so solely for historical reasons. Our claim is absolutely up to date. The United Kingdom has systematically refused to implement universally binding General Assembly resolutions calling for negotiations with the Argentine Republic on the question of sovereignty. But that is not all. Unilateral decisions have been taken to exploit hydrocarbon resources on the islands.*
>
> *There are two aspects to this exploitation. The first is that it constitutes depredation of natural resources that belong to us. It is unthinkable that territorial, historical or legal sovereignty can be maintained over islands that are 14,000 kilometres from the United Kingdom and whose transplanted population sits on a continental shelf that unquestionably belongs to the Argentine Republic geographically, geologically and historically. The second aspect is the risk of ecological catastrophe. British Petroleum, operating off the coast of the United States in the Gulf of Mexico, set off an unprecedented ecological catastrophe.*
>
> *The lack of oversight by our country or any other over what the United Kingdom is doing in the Malvinas Islands has mobilized us not only to defend the natural resources of my country, but to seek to avert an ecological catastrophe that could occur due to this total lack of oversight. ...*

1850 *Penguin News* September 24, 2010
1851 *MercoPress* September 24, 2010
1852 *Penguin News* September 24, 2010

We believe that the case of the Malvinas Islands is very enlightening. The United Kingdom can do as it likes because no one is compelling it to implement the decisions of the Security Council, because it is a permanent member and an important member of NATO. In a world of double standards — where only the developing and extremely weak countries are compelled to abide by the international legal order while those who can systematically violate it do so — it is not possible to build peace, let alone maintain international security, because such situations end up creating the kind of insurmountable disputes and differences we see every day.

I believe it important to note that the concepts of security and peace can never be associated with military matters alone. They must be essentially associated with political values, equity, freedom and a cause for which humankind has fought from the beginning: equality."[1853]

"The Malvinas' conflict served as the trigger for the Argentine President to heavily criticize the United Nations Security Council for "it has lost its power and it is not working taking into account the jeopardy the world is currently facing. We are no longer in a bipolar world,... Situations and conflicts such as the Malvinas one are clear examples of the fact the Security Council is not working properly and is not preserving peace and security"." [1854]

September 28th, in a letter to the Secretary-General, the UK exercises a right of reply to Kirchner's remarks to the UN'; *"The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish. ... The Falkland Islands Government is entitled to develop a hydrocarbons industry within its own waters."* [1855]

October 4th, at the UN, the Fourth Committee commences its review of the decolonization process and the work of the Special Committee on Decolonization. On the first day, those indicating their support for Argentina's claims over the Falkland Islands include Brazil, Venezuela, Guatemala, Peru and Cuba. Chile calls for renewed negotiations over sovereignty. [1856]

October 8th, in the South Atlantic, the UK, via the Falkland Islands Fisheries Department, reminds local shipping of its regular six monthly missile tests planned to take place between October 11th and 22nd.[1857] Unusually, the British Government extends this reminder to the Argentine Hydrographical Service coordinator who responds that the area is; *"illegally occupied and part of Argentine Territory."*

"On Friday October 8 for the first time the UK informed the Argentine Naval Hydrographical Service, as coordinator of NAVAREA VI, that military exercises including the firing of missiles from Malvinas Islands during October 11 and 23." [1858]

"The United Kingdom has always issued a local NAVWARN (navigation warning) to the Falkland Islands Government Fisheries Department, which in turn issues a local notice to mariners and sends a signal to the United Kingdom Hydrographic Office. ... political language is not in accordance with IMO guidance or established international standards and procedures. The United Kingdom asks that the Republic of Argentina

1853 *UN Doc A/65/PV.14*
1854 *MercoPress* September 24, 2010
1855 *UN Doc A/65/513: Letter dated 28 September 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*
1856 *Fourth Committee* Press Release *GA/SPD/450 – 455*
1857 The testing of short range missiles had been a regular feature since they were installed following the 1982 war.
1858 Argentine delegate Osvaldo Marsico quoted in *MercoPress* December 2, 2010

encourage its NAVAREA VI coordinator to follow IMO internationally agreed guidance on NAVAREA message drafting." [1859]

October 9th, Argentina transmits a letter of protest to the UK regarding the planned testing of *Rapier* missiles on the Falklands archipelago, demanding; *"... that the British Government refrain from carrying it out."* [1860]

"Several South American countries from the Mercosur trade bloc have officially complained to the UK over planned Falkland Islands military exercises. A recent series of missile tests were also criticised. Brazil, Uruguay and Paraguay joined protests from Argentina, which lays claim to what it calls the Malvinas. The official communique issued by Mercosur said it was nonsense to suggest that the military drills were merely routine exercises. The Latin American foreign ministers concluded that if Britain continued to test missiles in or around the Falklands, it would be tantamount to a violation of international maritime law. The Argentine Foreign Minister, Hector Timerman, welcomed the strong show of support for his country from its neighbours." [1861]

October 10th, Argentine national law 26.651 requires all education establishments – public and private – to display the official bi-continental map (right).

"... which shows the Antarctic sector in its real proportion in relation to the continental and island sector." [1862]

October 11th, at the UN, Ambassador Argüello refers the letter of the 9th to the office of the Secretary-General calling it an; "*... an unacceptable provocation conducive to an arms race in the region, which is in direct contradiction to the Argentine policy of consistently seeking a peaceful solution to the dispute."* [1863]

On the final day of its consideration of decolonization issues, the Fourth Committee sends 12 draft texts to the General Assembly for adoption. With no recommendation from the Special Committee on Decolonization with regards to its Falklands resolution, it is not among those passed on to the General Assembly.[1864]

In the UK, during a debate at Britain's House of Lords, in answering a question, Lord Howell states; *"My Lords, we regard Argentina as an important partner. We have a close and productive relationship on a range of bilateral and multilateral issues, but we will not discuss the sovereignty of the Falkland Islands with Argentina unless the Falkland Islanders so wish.* ***The UK is not a member of the UN Special Committee on Decolonisation****, but we regularly make clear within the UN our support for the right to self-determination of the Falkland Islanders. ... as regards the decolonisation committee, which is rather outdated and full of*

1859 *UN Doc A/65/689: Letter dated 10 January 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*
1860 Stated in full as an annex to *UN Doc* A/65/504: *Letter dated 11 October 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*
1861 *BBC* October 19, 2010
1862 Gazetted November 16, 2010
1863 *UN Doc* A/65/504: *Letter dated 11 October 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*
1864 *Fourth Committee* Press Release *GA/SPD/450 – 455.*

language about colonies, British imperialism and so on. We have moved far away from that because the Falklands Islands is a self-governing overseas territory under the British Crown and that is what it remains."[1865]

Asked why 12 Commonwealth countries supported Argentina at the Decolonization Committee, Lord Howells responds; *"It is always a pity when there is not full agreement, particularly among our fellow Commonwealth members with whom we operate closely on many issues. But they have their point of view, to which they are perfectly entitled. The debate goes on, but it is not a binding debate as no binding resolutions are involved. I expect that the debate will continue, particularly among not so much Commonwealth countries but other Latin American countries."* [1866]

October 12th, in the South Atlantic, a Falklands fishing vessel, *Venturer*, sailing three and a half miles inside the Falklands Outer Conservation Zone, is challenged by an Argentine naval vessel and ordered to leave the area. The fishing vessel ignores the instruction.

In Britain, the Government publishes - *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review*.

> *"We will maintain our network of permanent joint operating bases, including: in Gibraltar; in the Sovereign Base Areas in Cyprus; British Forces South Atlantic Islands, based on the Falkland Islands and Ascension Island and maintaining a regular presence in South Georgia and South Sandwich Islands; and on Diego Garcia in British Indian Ocean Territory. These bases give us and in some cases our allies wide geographical reach and logistic support hubs for deployed forces. They will continue to be central to our ability to deploy military force around the world and respond to changing strategic circumstances."* [1867]

October 16th, Nigel Haywood becomes Governor of the Falkland Islands.

October 18th, in Buenos Aires, the Chair of the Decolonization Committee, visiting Argentina, gives a seminar at the University of Belgrano.

"Argentina and Great Britain should understand each other regarding the disputed Falklands/Malvinas, suggested the president of the United Nations Decolonization Committee Ambassador Donatus Keith Saint Aimée, who arrived Thursday to Buenos Aires responding to an invitation extended last May by Argentine authorities. ... "Both countries have always stated they are willing to negotiate (the disputed Islands). We must try and see how they can sit round a table and negotiate", said the Santa Lucia ambassador who later in the day was received by President Cristina Kirchner at Government House." [1868]

"... Peter Pepper attended. Afterwards Peter asked him if he would visit the Falklands if he were invited; St. Aimee said he would, and Peter passed that information to the Falkland Islands Government. They wrote to him inviting him to visit the islands, but he never replied." [1869]

1865 My emphasis. The UK, along with the USA and others, withdrew from the C24 in January, 1971.
1866 *Hansard Lords October 11, 2010*
1867 See - https://assets.publishing.service.gov.uk/media/5a78da21ed915d0422065d95/strategic-defence-security-review.pdf
1868 *MercoPress* October 15, 2010. A clear indication that the C24 President (Chair) had little grasp of the situation.
1869 Pascoe 2020 p.330. See December 7, 2010, below.

October 19th, Argentina writes to the UN's Secretary General concerning the British *note* of August 2nd, rejecting, *"each and every one"* of the statements in the UK's letter and regretting; *"... that the British Government should be trying to misrepresent historical facts in an attempt to conceal the act of usurpation it committed in 1833. ..."* With regard to the Islanders, the letter adds; *"Likewise, the Argentine Republic regrets that the United Kingdom should continue irresponsibly to fan the hopes of the inhabitants of the Malvinas Islands based on the illicit appropriation of Argentine natural resources in open violation of international law and in contradiction of the pronouncements of international bodies. ..."* [1870]

October 21st, the UK responds to Argentina's complaints regarding the test-firing of *Rapier* missiles.

> *"The United Kingdom of Great Britain and Northern Ireland can confirm that the test firing of Rapier anti-aircraft (maximum operational range 6,800 metres) missiles in the Falkland Islands has happened approximately every six months for 28 years since they were deployed there in response to the Republic of Argentina's invasion of the Falkland Islands. The live firing in October 2010 is therefore routine and does not represent any change in the United Kingdom defence posture in the South Atlantic."* [1871]

October 29th, Argentina claims that the British response; *"... clearly admits to having repeatedly and deliberately violated its obligations deriving from the relevant international instruments in the context of the International Maritime Organization (IMO)."* [1872]

November 2nd, in Dalian, China, Falklands fisheries representatives are among the 750 companies exhibiting at the 15th annual Fisheries and Seafood Expo.

November 20th, during the signing of a defence cooperation agreement between South Africa and Argentina, the Argentine delegation make a point of claiming sovereignty over a large area of the South Atlantic.

"... "Argentina currently suffers the usurpation by the UK in the South Atlantic of part of its territory. This includes Malvinas, South Georgia and South Sandwich Islands and adjoining maritime spaces and has been aggravated by British unilateral actions referred to fishing licensing, hydrocarbons exploration and even military exercises", Minister Nilda Garré said during the meeting her South African counterpart, Lindiwe Sisulu. "As established in our constitution, we expect to recover those Islands following International Law", added Ms Garré." [1873]

November 24th – December 3rd, in London, the International Maritime Organization's Security Committee meets. Argentina's delegation submits a complaint regarding the UK's October *Rapier* missile tests.

> *"The Government of the Argentine Republic has considered necessary to inform this Committee about serious events that demonstrate the deliberate and reiterated violations by the Government of the United Kingdom of Northern Ireland of the IMO regulations, which put into risk the safety of navigation in the Southwest Atlantic. Indeed, on Friday, 8 October, the United Kingdom informed for the first time, and I repeat, for the first time, the Argentine Naval Hydrographic Service, as Coordinator of NAVAREA VI, the carrying out of special operations including firing of missiles from the territory of the Malvinas Islands, between 11 and 23 October 2010, and bounded a maritime area adjacent to the Islands that would be affected by this exercise...*

1870 *UN doc A/65/530.* This rejection, of a rejection, was itself rejected by the UK on December 16 (*A/65/639*). See below

1871 *UN Doc A/65/539: Letter dated 21 October 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*

1872 *UN Doc A/65/553*

1873 *MercoPress* November 21, 2010

The said British exercises, Mr. Chairman, not only constitute an unacceptable provocation due to the fact that they were carried out in an area under a sovereignty dispute recognised by the United Nations, and are susceptible of creating an arms race, but also, and as if this were not enough, those exercises were performed in an open violation of the IMO regulations of the World-Wide Navigational Warning Service and of the broadcast of Maritime safety information, barring Argentina from complying with its own international obligations and responsibilities as the NAVAREA VI Coordinator and with total disregard for the risks involved to the navigation in the area and the safety of human life at sea.

Mr. Chairman, The United Kingdom, in accordance with its own admission, has infringed, for 28 years, repeatedly and deliberately, Rule V/4 of the International Convention for the Safety of Life at Sea (the SOLAS Convention) as amended, for not giving notice in due form of the obvious risks which the military exercises represented to the safety of navigation in the waters adjacent to the Malvinas Islands…" [1874]

"Argentina renewed this week its sovereignty claims over the Falklands/Malvinas Islands and accused the United Kingdom of deliberately not complying with the International Maritime Organization regulations by exposing the security of shipping in the South Atlantic. During this week's meeting in London of the IMO Maritime Security Committee Argentine delegate Osvaldo Marsico ratified that the British military exercises with missiles in the Falklands/Malvinas not only is "an unacceptable provocation but also were done in open violation of IMO regulations", UN resolutions and other international organizations. … Argentina's position was supported by presentations from Brazil, Ecuador, Bolivia, Panama, Chile, México, Venezuela, Cuba, Colombia, Peru, Spain and South Africa. The Brazilian delegate was particularly articulate in supporting Argentine sovereignty claims over the Islands recalling the recent Unasur declaration rejecting UK's missile practice shooting from land to sea. Apparently no country member in the Committee came out in support of the UK. The IMO Maritime Security Committee took note of Argentina's complaints and decided to keep a file with the support statements and called on all governments to abide all security and safety regulations referred to operations that may endanger shipping." [1875]

November 26th, at a summit meeting of the Union of South American Nations (UNASUR), Argentina obtains a declaration with regard to marine traffic.

"… the States members of the Union of South American Nations hereby undertake to adopt, pursuant to international law and their respective domestic legislation, all appropriate regulatory measures to prevent the entry into their ports of vessels flying the illegal flag of the Malvinas Islands. Furthermore, within the framework of the international agreements in force, they undertake to inform the Argentine Government about any vessels or marine structures travelling to the Malvinas Islands, South Georgia Islands and South Sandwich Islands with cargo to be used for illegal hydrocarbon and/or mining activities on the Argentine continental shelf, thereby preventing or disrupting such activities." [1876]

1874 *Maritime Safety Committee* of the *International Maritime Organisation*, 88th Session, MSC 88/26 Add.1. *cf*. January 2011. Also see October, 2010 above.

1875 *MercoPress* December 2, 2010

1876 *UN Doc A/65/637: Annex to the letter dated 16 December 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General Declaration on cooperation of the States members of the Union of South American Nations with regard to certain movements of vessels travelling to the Malvinas Islands, South Georgia Islands and South Sandwich Islands*

"Sheila Stewart, Assistant General Manager of fishing company Argos Ltd told Mercopress that such a move by Unasur would be "very costly" for Argos as their vessel crews were picked up in Montevideo along with supplies. The declaration was made at the Unasur Presidents Meeting at a summit in Guyana. There it was agreed to incorporate a 'democratic clause' to the group's charter and special mention was made of the Falklands sovereignty dispute. Stuart Wallace of Fortuna Ltd was more cautious in his response saying, "It is difficult to know what force such a declaration has, if it, for example, requires ratification by the governments involved. Of course if such a policy were to be implemented it would have the unfortunate effect of a significant loss of business for some South American ports. It would inconvenience Falkland vessel owners but we would deal with any new circumstances. Perhaps most importantly such an aggressive blanket ban would make it clear internationally that we face a tightening blockade aimed at destroying our economy". Manager of Work Boat Services Ltd Adam Cockwell agreed it was difficult at this stage to judge the affect,..." [1877]

November 29th, in Geneva, at the State Parties to the Ottawa Convention meeting, Argentina states it will implement mine-clearing in the Falklands as soon as it has control over the territory. [1878]

In London, the International Maritime Organisation continues its conference started on the 24th.

"... on November 29, 2010, the IMO Maritime Safety Committee met in London to discuss the complaint made by Argentina regarding the missile exercises carried out by the United Kingdom from the territory of the Malvinas Islands towards the adjacent waters, putting peace and security in the area at risk, actions that clearly violate the current UN provisions. It is worth noting that no country supported the British actions denounced by our country." [1879]

December 3rd, from London, following consultations with the coalition government, MLA Dick Sawle, returns to Stanley with a message that the UK Government wishes to see a more proactive approach in getting the Falkland Islanders views out into the world.

"This more positive view brings with it a responsibility on the part of the territories to come up to scratch in areas concerning good governance, but also to define clearly what it is they want out of the relationship with the British Government ... Cllr Sawle says he hopes people will not misunderstand being proactive as implying another agreement with Argentina like that made in 1999. He says he and his Assembly colleagues realise there is a need for the Falkland Islands to speak more loudly to the world and ways of doing this are being actively considered. ... Saint Helena Councillor Tara Thomas will provide the political lead to a working group set up by the South Atlantic Territories at the OTCC, which will investigate ways in which these territories - Falkland Islands, St Helena, Tristan da Cunha and Pitcairn - may work more closely together in the future."[1880]

December 5th, in Argentina, delegates at a Ibero-American leaders summit approve a declaration calling upon the UK to enter into negotiations over the Falkland Islands. However, after signing, the Spanish delegate, Trinidad Jimenez, tells reporters; *"We have signed the final (Mar del Plata) declaration as has been traditional in the summits rounds but let me be clear that as European countries we do not have the capacity to change the United Kingdom's decision. The issue must be solved in the context of United Nations."* [1881]

1877 *MercoPress* November 29, 2010
1878 *A/AC.109/2011/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat* Section VI. para.29
1879 Romero 2020. The final IMO Briefing Paper makes no mention of such a discussion. See - https://www.steamshipmutual.com/sites/default/files/downloads/articles/IMOBriefingMSC58_2010.pdf
1880 *Penguin News* December 3, 2010
1881 *MercoPress* December 7, 2010

In Mexico, at a meeting of the United Nation's Climate Change Conference, the UK protests an attempt by Argentina to use the international conference as a platform for promoting its claims to the British South Atlantic territories.

"As it had done at a previous meeting in 2007, the Argentine delegation issued a statement rejecting the inclusion of emissions from the Falkland Islands within the UK's Greenhouse Gas Inventories in fulfilment of its obligations under the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol. … The British response stated. "The UK delegation does not believe that this is the appropriate forum to raise sovereignty issues of any kind" …" [1882]

December 7th, from Stanley, MLA Gavin Short, on behalf of the Falkland Islands Government, submits a letter addressed to the Chairman of the Special Committee on Decolonization, Donatus Keith St. Aimee. [1883]

> *"The Falkland Islands Government is aware of your recent visit to Argentina, where you spoke about the Falkland Islands and the Decolonization Committee. While the Falkland Islands Government appreciates that the Argentine Government and media have their own agendas, you are reported as making a number of statements which were either factually incorrect or marginalized the people of the Falkland Islands along with the founding principles of the United Nations Charter and General Assembly resolution 1514 (XV) on which the Decolonization Committee is based. …*
>
> *The Falkland Islands and the world are very different today to what they were in the 1960s when the original language for the question of the Falkland Islands was drafted. While the islands and the world have modernized along with the constitutional relationship between the Falkland Islands and the United Kingdom, the language of the question of the Falkland Islands within the United Nations has remained remarkably similar. It is now outdated.*
>
> *The Falkland Islands Government understands that as Chairman you wish to modernize the work of the Decolonization Committee. We believe that, as you have visited the territory of Argentina (Tierra del Fuego) which claims to be affected by the Falkland Islands Question, that you should also now visit the territory that is actually affected: namely the Falkland Islands. Therefore, on behalf of the Falkland Islands Government, I would like to invite you formally, in your capacity as Chairman of the United Nations Decolonization Committee, to visit the Falkland Islands in order that you may appreciate the real situation …"* [1884]

"On 10 December 2010, the United Kingdom transmitted for circulation as a document of the General Assembly a letter dated 7 December 2010 from the "Office of the Legislative Assembly" addressed to the Chairman of the Special Committee, Donatus Keith St. Aimee, Permanent Representative of Saint Lucia, inviting him to visit the Territory." [1885]

"In allowing Argentina to make a bid to take over a non-self-governing territory, the Committee is blatantly misusing its remit – instead of promoting the self-determination of the Falkland Islanders as it should be doing, it has become a mouthpiece for Argentina's colonialist aim of taking the islands over." [1886]

1882 *Penguin News* December 10, 2010
1883.See October 18, 2010 above and January 4, 2011 below.
1884 *UN Doc A/65/617:* In full - https://digitallibrary.un.org/record/695344?ln=en
1885 *A/AC.109/2011/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat* para.48.
1886 Pascoe 2020 p.330

December 10th, in New York, the General Assembly of the United Nations adopts omnibus resolution *65/115* on the '*Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands*.' The wording of operative paragraph 1 and operative paragraph 2 are of general application, and not limited to "*the Territories*" mentioned in the title.

> *"1. Reaffirms the inalienable right of the peoples of the Non-Self-Governing Territories to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples; …*
>
> *2. Also reaffirms that, in the process of decolonization, there is* ***no alternative to the principle of self-determination****, which is also a fundamental human right, as recognized under the relevant human rights conventions;.."* [1887]

On the same day, the UN General Assembly adopts resolution 65/119 which; *"1. Declares the period 2011-2020 the Third International Decade for the Eradication of Colonialism."* [1888]

December 16th, the British Government writes to the International Maritime Organisation.

> *"The United Kingdom regrets the tone of the letters under reference, and that the Republic of Argentina seeks to politicize issues in a non-political technical body such as IMO. … The United Kingdom replied on 21 October 2010 to the original protest note of the Government of Argentina dated 8 October 2010. That reply made clear that these are routine military tests of short-range missiles that have taken place approximately every six months since the invasion of the Falkland Islands by the Republic of Argentina in 1982.*
>
> *The protest note of the Government of Argentina dated 28 October 2008 shows that it was aware of these routine exercises. The October 2010 tests do not represent any change in the defence posture of the United Kingdom in the South Atlantic. The United Kingdom of Great Britain and Northern Ireland has an exemplary safety record for missile firings in the Falkland Islands and takes its responsibilities for the safety of life at sea very seriously. The United Kingdom has always issued a local NAVWARN (navigation warning) to the Falkland Islands Government Fisheries Department, which in turn issues a local notice to mariners and sends a signal to the United Kingdom Hydrographic Office. Safety of life at sea has not been put at risk by these exercises…"* [1889]

Britain also complains about the language used by the Argentine area coordinator when the warning was issued on October 8th and; *" asks that the Republic of Argentina encourage its NAVAREA VI coordinator to follow IMO internationally agreed guidance on NAVAREA message drafting."* [1890]

December 24th, in New York, at the UN, the general Assembly decides; *"… that the agenda item on the question of the Falkland Islands (Malvinas) would remain for consideration during its resumed sixty-fifth (2011) session (decision 65/544)."* [1891]

1887 *UN Doc A/Res/65/115 A-B*. My emphasis. *cf.* 2003, 2008 & 2016
1888 See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/119
1889 *UN Doc A/65/689: Letter dated 10 January 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*
1890 *Ibid*
1891 *UN Year Book 2010*. The subject was not raised again. *cf.* 2004 & 2005

From London, in his Christmas message to the Falkland Islanders, Britain's Prime Minister, David Cameron, ratifies his governments full and resolute committment to the islands sovereignty.

> *"The UK's commitment to your Islands is without question. Our interest in your prosperity, our determination to ensure your security and our resolve to stand beside you on any question of sovereignty remain as strong as ever."* [1892]

December 27th, from Buenos Aires, Argentina responds to David Cameron's Christmas message to the islanders; *"Argentina will reiterate its call to the United Kingdom to respond to the urgings of the international community and agree to comply with its obligations to resolve the sovereignty controversy in a peaceful manner, ... By the same token, the Argentine Government repeats its energetic repudiation of the exploration and exploitation of the renewable and non-renewable natural resources being carried out by the United Kingdom on the Argentine continental shelf, ..."* [1893]

December 29th, in New York, Argentine Ambassador Argüello accuses Britain of abusing its position on the Security Council to avoid complying with resolutions calling for negotiations over the sovereignty of the Falkland Islands. [1894]

2011 – January 3rd, Argentina sends its annual standard form letter to the UN.

> *"One hundred seventy-eight years ago, on 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities that had been legitimately established there.... The Argentine Government once again reaffirms the Argentine Republic's imprescriptible rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory."* [1895]

"The Argentine Foreign Ministry stated yesterday that the "provisional understandings" signed by London and Buenos Aires were in complete disuse and that the "unilateral actions of the United Kingdom" with regard to oil exploration and military exercises on the Islands constituted an "unsolvable obstacle" to the continuation and development of the "bilateral cooperation" ..." [1896]

"Argentina has raised the diplomatic temperature with Britain by suggesting existing agreements between the two countries have been broken and are therefore no longer relevant. ... This reference to the bilateral agreements signed by Argentina and the UK in July 1999 marks a new advance in the diplomatic war of words waged since the late President Nestor Kirchner came to power in 2003. ... Councillor Dick Sawle told the Penguin News that in his opinion the Argentine communique contained nothing new, adding that the claimed expulsion of an Argentine civilian population from the Islands in 1833 was "utter garbage". He said it was interesting that the communique should mention the agreements of 1999, which had been maintained by the British, but I had been "continually broken by the Argentines"." [1897]

January 4th, in New York, Argentina complains about the UK's request for the letter of December 7th, 2010, from the Falkland Islands Legislative Assembly to be circulated as a UN document.

1892 Quoted in *MercoPress* December 24, 2010
1893 *MercoPress* December 28, 2010
1894 He did not say how.
1895 *UN Doc A/65/684*
1896 *Mercopress* January 3, 2011
1897 *Penguin News* January 7, 2011

"The United Kingdom is violating United Nations doctrine on the Malvinas issue by requesting the circulation of a letter from the so-called authorities of a colonial territory with a transplanted population that is the object of a sovereignty dispute, the solution of which involves only the two parties to the dispute: Argentina and the United Kingdom." [1898]

January 14th, in Argentina, *La Nacion* publishes an editorial accusing the British Government of violating UN resolutions; *"one could even maintain that the prohibition that prevented Argentine citizens for years from being able to reside in the islands, following their massive expulsion by the British, is a form, perhaps subtle, of what today we call ethnic cleansing, and is therefore politically, ethically and legally as inacceptable as it is reprehensible."*

"... the causa Malvinas ... is basically a discursive configuration that includes an account of the past, an interpretation of the present, and a mandate for the future. Simply put, the causa Malvinas holds that Argentines were victims of a plunder, and that our condition as victims of a plunder is, at present, as absolute as it was in 1833. Territorially, what is at stake in this dispute is not just an area, but a part says the causa of what has always been Argentine territory, and as a result, Argentina is being subjected to a territorial mutilation. The plunder and the mutilation of the territory render the nation an incomplete entity. This means that territorial redemption (the "recovery" of the islands) is a necessary condition for national affirmation. Precisely because the nation is incomplete, we should be emphatically nationalist." [1899]

January 19th, in response to Argentina's submission of December, 2010, the International Maritime Organisation includes a three page statement by Argentina in an appendix to its annual report; but otherwise makes no comment about missile testing near the Islands. [1900]

February 2nd, at Port Stanley, three cruise ships with 6,000 passengers arrive.

Fifty-seven jiggers, mostly Taiwanese, moor in Stanley Harbour seeking fishing licences at the commencement of the Illex fishery season.

February 18th, Britain responds to Argentina's January 3rd letter:

"The United Kingdom is clear that no civilian population was expelled from the Falkland Islands in 1833. Only the Argentine military garrison was expelled. It had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over United Kingdom sovereign territory. The civilian population was encouraged to remain in 1833. The majority chose to do so of its own free will. British sovereignty over the Falkland Islands dates back to 1765, and the Islands have never legitimately been administered by or formed part of the Republic of Argentina.... There can and will be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish." [1901]

On the same day, the UK also writes to the Secretary-General with regard to Argentina's letter of January 4th.

"In line with our support for the Falkland Islanders' right to self-determination, we support the wish of the Falkland Islands Government to engage with the Special Political and Decolonization Committee of the General Assembly. For many years, therefore, the Falkland Islands Government has sent

1898 *UN Doc A/65/683*. Also *A/AC.109/2011/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat* para.49. See December 7, 2010 above.
1899 Presentation by Vicente Palermo to the South Atlantic Conference of April 15, 2011.
1900 *Maritime Safety Committee* of the *International Maritime Organisation*, 88th Session, MSC 88/26 Add.1
1901 *UN Doc A/65/751*

democratically elected members of its Legislative Assembly to speak before the Decolonization Committee.

The Government of the United Kingdom has not changed its position that the Decolonization Committee fails to take account of the way that the relationship between the United Kingdom and its Overseas Territories has been modernized in a way acceptable to both parties.

Furthermore, it notes that resolutions adopted by the Committee on the Falkland Islands are still rooted in General Assembly resolution 2065 (XX) of 1965. Since this resolution was adopted, factual inaccuracies have come to light which have not been taken into account in subsequent resolutions.

The resolutions also fail to take full account of the Charter of the United Nations and the rights of the Falkland Islanders to freely determine their political status." [1902]

Regarding Argentina's sea blockade, the *Penguin News* reports; *"Businesses in the Falklands are growing increasingly agitated as Argentina's shipping restrictions continue to mimic an economic blockade in all but name. While major food retailers such as the West Store and Seafish Chandlery have been able to divert their orders from Chile to the UK, with minimal effect on actual stock, others have no alternative but to take it on the chin. Among the worst hit by the fresh food shortages is Stanley Growers, which has lost upwards of £15,000 in orders in the past fortnight alone. Even though the Islands' largest nursery was able to supplement its home grown produce by strengthening links with partners in Brazil and Uruguay, delays in those supplies reaching the Falklands have led to acute shortages."*

March 1st -4th, in New Caledonia, two Falklands representatives attend the Overseas Countries and Territories of the European Union conference.

"The relationship between the EU and its OTs is due to be formally renewed from January 1 2013, and 23 territories associated with UK, France, Netherlands and Denmark were there to formally agree a joint paper setting out their key objectives. ... The Falklands delegation also succeeded in having all the OTs present sign a declaration asking the EU to ensure their rights as defined in the UN Charter on self-determination were not undermined." [1903]

March 9th, at the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization.

"*Action by the General Assembly: Under resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the General Assembly had been received."* [1904]

March 16th, in Buenos Aires, with law *26.659*, Argentina's Congress legislates for the prosecution of any company or person participating in oil exploration or other hydrocarbon activities on the 'Argentine Continental Shelf' without a license issued by; *"... the competent Argentine authority."* [1905]

1902 *UN Doc A/65/753*
1903 *Mercopress* March 28, 2011
1904 *UN Doc A/Ac.109/2011/14* p.14. Another years passes without any call for a General Assembly debate. *cf.* 2004
1905 None of this law's eleven articles actually define Argentina's continental shelf. *cf.* 1958

"… Law 26.659, enacted on March 16, 2011, which establishes the conditions for the exploration and exploitation of hydrocarbons in the Argentine Continental Shelf and provides penalties of between 5 and 20 years of disqualification for offenders. Constitutionally, the Argentine continental shelf includes Malvinas, Georgias and Sandwich." [1906]

Argentine newspaper *La Nacio*n complains that the new legislation is likely to rebound on Argentine companies.

"La Nacion admits that several Argentine lawmakers believe the bill will force the UK to the sovereignty discussions table but also points out that the passing of the bill virtually went unreported in the London press more absorbed by the crisis in Japan and the Middle East. Only the Daily Telegraph published a piece anticipating President Cristina Fernandez de Kirchner would make the dispute "one of the main issues of her electoral campaign for the October presidential election". The article also mentions that the Argentine legation in London does not have an ambassador since Federico Mirré left in 2008 and affairs are in the hands of business attaché Osvaldo Mársico. When the Argentine congress voted the bill, the British embassy spokesperson in Buenos Aires said that exploration for oil in Falklands' waters with licences awarded by the Falklands' government was "legitimate" and that the UK fully supports the Islands right and efforts to develop its own oil and gas industry." [1907]

March 17th, Argentina writes to the UN in response to Britain's letter of January 18th.

> *"The Argentine Republic rejects each and every one of the statements contained in this letter and regrets that the British Government ignores and distorts duly documented historical facts in an evident attempt to conceal the act of usurpation it committed in 1833;…*
>
> *This attitude also reveals the United Kingdom's evident lack of certainty about what it considers its "rights" on the question of the Malvinas Islands."* [1908]

March 21st, *Rockhopper Exploration* announce that its discovery in the Falkland islands is likely to be commercially viable.

March 31st, Argentina announces a world-wide initiative to take the Falklands debate to other countries; *"These conferences are geared to keep the international community informed about the Malvinas issue with the purpose of making viable the implementation of UN Resolution 2065 which calls on both sides of the conflict, Argentina and the UK to resume Malvinas Islands sovereignty negotiations."* [1909]

April 2nd, Argentina remembers their invasion of the Falklands' archipelago in 1982.

"…"The Malvinas are Argentine for ever" and this government "will never yield in our claim" promised President Cristina Fernandez de Kirchner during the main commemoration of the Malvinas War Fallen and Veterans Day in Rio Gallegos, Santa Cruz province." [1910]

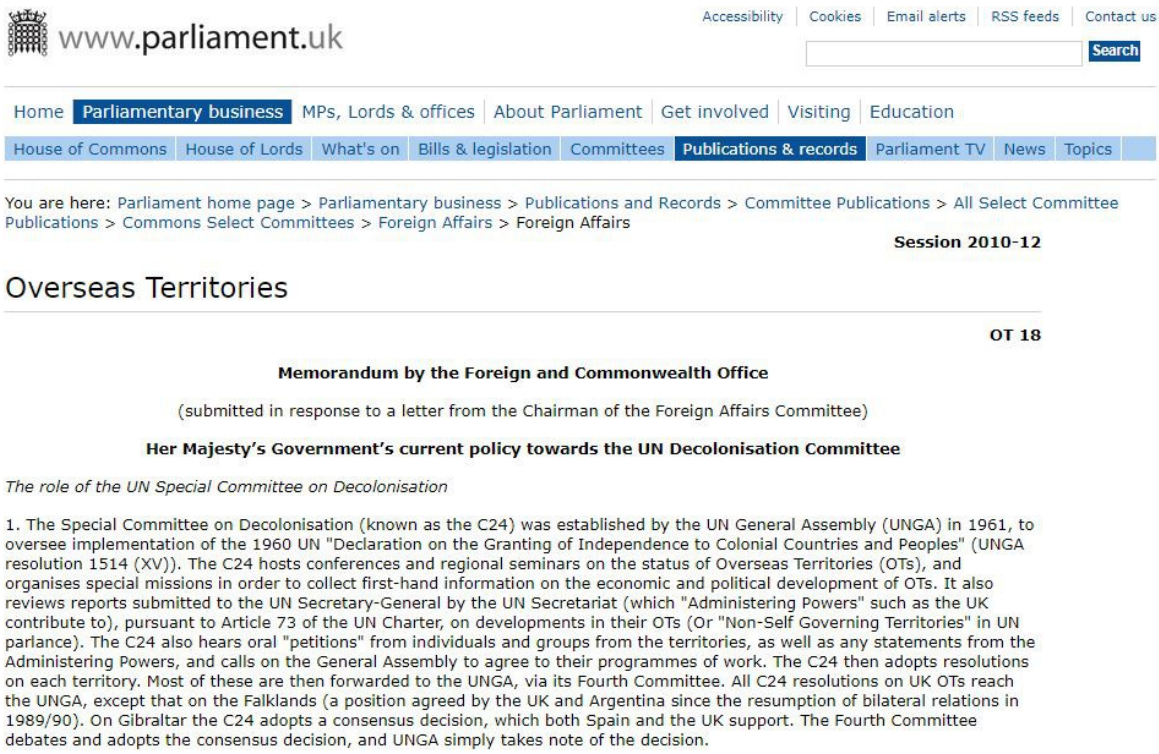
April 15th, in London, the South Atlantic Council (SAC) hold a conference at the University of Westminster. Chaired by Lord Roper; convened by Dr. Celia Szusterman. [1911]

May 1st, off the Falkland Islands, *Rockhopper Exploration* opens a new exploratory oil well.

1906 Caviasca 2018
1907 *MercoPress* March 19,
1908 *UN Doc A/65/789*
1909 *Mercopress* March 31, 2011.
1910 *MercoPress* April 2, 2011
1911 Some of the presentations are available here - https://www.staff.city.ac.uk/p.willetts/SAC/APR-2011/CONF-IND.HTM

In London, a Foreign Office *memo* responds to a request for information from the Chair of the Foreign Affairs Committee. *Inter alia,* it describes the role of the UN's Special Committee on Decolonization.

"The C24 also hears oral "petitions" from individuals and groups from the territories, as well as any statements from the Administering Powers, and calls on the General Assembly to agree to their programmes of work. The C24 then adopts resolutions on each territory. Most of these are then forwarded to the UNGA, via its Fourth Committee. All C24 resolutions on UK OTs reach the UNGA, ***except*** *that on the Falklands (****a position agreed*** *by the UK and Argentina since the resumption of bilateral relations in 1989/90)."* [1912]



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Session 2010-12

Overseas Territories

OT 18

Memorandum by the Foreign and Commonwealth Office

(submitted in response to a letter from the Chairman of the Foreign Affairs Committee)

Her Majesty's Government's current policy towards the UN Decolonisation Committee

The role of the UN Special Committee on Decolonisation

1. The Special Committee on Decolonisation (known as the C24) was established by the UN General Assembly (UNGA) in 1961, to oversee implementation of the 1960 UN "Declaration on the Granting of Independence to Colonial Countries and Peoples" (UNGA resolution 1514 (XV)). The C24 hosts conferences and regional seminars on the status of Overseas Territories (OTs), and organises special missions in order to collect first-hand information on the economic and political development of OTs. It also reviews reports submitted to the UN Secretary-General by the UN Secretariat (which "Administering Powers" such as the UK contribute to), pursuant to Article 73 of the UN Charter, on developments in their OTs (Or "Non-Self Governing Territories" in UN parlance). The C24 also hears oral "petitions" from individuals and groups from the territories, as well as any statements from the Administering Powers, and calls on the General Assembly to agree to their programmes of work. The C24 then adopts resolutions on each territory. Most of these are then forwarded to the UNGA, via its Fourth Committee. All C24 resolutions on UK OTs reach the UNGA, except that on the Falklands (a position agreed by the UK and Argentina since the resumption of bilateral relations in 1989/90). On Gibraltar the C24 adopts a consensus decision, which both Spain and the UK support. The Fourth Committee debates and adopts the consensus decision, and UNGA simply takes note of the decision.

Researcher's Comment: The last sentence indicates an agreement that was not made public in 1989/90. No details other than this *memo* can be found, but it is true that since 1988 Decolonization Committee resolutions concerning the Falklands have not reached the General Assembly sitting in plenary session (writing in 2025).

May 23rd, responding to a letter sent by the Union of South American Nations (UNASUR) in support of Argentina's claim, the UK writes to the UN Secretary-General.

> *"The historical account that Argentina puts forward in support of its case is incorrect. … Argentina seeks to deny the basic right of self-determination to a population, many of whom can trace their history on the Islands back to the 1830s. …. South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the question of the Falkland Islands, and it is not a listed territory within the purview of the United Nations decolonization committee."* [1913]

1912 *OT 18. Memorandum by the Foreign and Commonwealth Office: (submitted in response to a letter from the Chairman of the Foreign Affairs Committee): Her Majesty's Government's current policy towards the UN Decolonisation Committee Session 2010-2012.* Hyperlink attached to the image. My emphasis. *cf.* 1989, 1990, 2014 & 2015

1913 *UN Doc A/65/850*

May 31st, in the UK, a *Wild Life and Protected Areas Ordinance* is signed into law, increasing protection for the fauna on South Georgia and the South Sandwich Islands.

June 3rd, in St. Vincent and the Grenadines, at a UN Decolonization Committee seminar, MLA Roger Edwards speaks of the success of the Falklands economy in the face of obstruction from Argentina.

"Falklands Member of the Legislative Assembly Roger Edwards is currently in St Vincent and the Grenadines attending the Caribbean Regional Seminar on the Implementation of the Third International Decade for the Eradication of Colonialism: Goals and Expected Accomplishments Seminar. ... MLA Edwards insisted that the Falklands need to ensure that key messages about the Islands' status, constitutional and legal position, "and the overriding determination of the community to remain British Overseas Territory are understood internationally". ... Addressing the UN committee chairman, Dr. Francisco Carrion-Mena, MLA Edwards said that the Falklands has attained - with full marks - a full measure of self-government based on the decolonization criteria, "but falls short by the dispute over sovereignty". ... The speech included an introductory reference to the evolution of the Falklands since their discovery in 1592 by Elizabethan navigator John Davis with the 'Desire' and the continued historic and documented links with Britain. In spite of claims of "imported colonial population", 3,000 people currently live in the Falklands with a very mixed background, fed on an influx of immigrants from Europe and the rest of the world, in a similar process to what happened with neighbouring Argentina." [1914]

June 7th, in San Salvador, at the end of an Organisation of American States (OAS) Assembly, the organization adopt, unanimously, a declaration on the Falkland Islands calling for negotiations with Argentina.

"This, writes The Telegraph, comes in contrast with the effusive praise from President Obama for the Special Relationship with Britain when he recently visited London and means that "the Obama administration continues to slap Britain in the face over the highly sensitive Falklands issue". ... "In doing so, the United States sided not only with Buenos Aires, but also with a number of anti-American regimes including Hugo Chavez's Venezuela and Daniel Ortega's Nicaragua, said The Telegraph." [1915]

June 10th, on its "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.", the Argentine Foreign Ministry issues its annual press release.

> *"At no time since its beginnings as an independent nation has the Argentine Republic renounced its sovereignty over the southern territories and the maritime areas legitimately inherited from Spain, nor has it allowed a continental or extra-continental Power to exercise jurisdiction over those territories and areas. The exercise of those titles and rights by the Argentine Government has thus been permanent, through the gradual adoption of laws and the establishment of legal and administrative structures which consolidated its exercise of sovereignty, promoting the development of commercial activities, settlement of population and the establishment of a local civil administration,* ***culminating*** *in the adoption of the Decree establishing the Political and Military Command for the Malvinas Islands on the date we are observing today, over which Mr. Luis Vernet was appointed to preside."* [1916]

1914 *MercoPress* June 3, 2011

1915 *MercoPress* June 9, 2011

1916 Annexed to *UN Doc A/65/868.* Confusing. This statement appears to cover the period from the United Provinces' (early Argentina) declaration of independence in 1816, until the claim first made by the province of Buenos Aires in 1829. In reality, the first expedition from Buenos Aires (led by an Englishman) was in 1824. It failed and elements of the expedition had to be rescued by a British ship. Luis Vernet first went to the Islands, apparently with British consent, in 1826 but only in 1829 did Buenos Aires announce its pretensions with a public decree. An act, according to a 1882 Argentine Senate debate, that exceeded its powers. So, according to this press release, and for a grand total of three years before any public announcement of its pretension, Buenos Aires "*at no time... renounced its sovereignty.*"

June 14th, Falkland Islanders mark the 29th anniversary of their liberation from Argentine forces in 1982.

In Buenos Aires, on the same day, Falkland Islander James Peck is handed his documents after becoming an Argentine citizen. Peck receives his new ID card personally from President Cristina Fernandez de Kirchner. [1917]

"James Peck (42) has been labelled "a disgrace," by members of his Islands family for his very public U-turn. James' estranged wife Maria is Argentine and they have two small sons, all of whom now live in Argentina. His Uncle Pal Peck said. "No one in the Islands will be impressed with what he has done and I don't wish to sec him back here. He's let everyone down and the family in particular. He's a disgrace to the family". ... Mr Peck defended his decision saying it was primarily taken to be able to live with his two youngest children who are Argentine, and to be able to "move on from the past"." [1918]

June 15th, in London, Prime Minister David Cameron answers questions in the House of Commons. Responding to a question from Conservative MP Andrew Rosindell, Cameron says:

> *"... I am sure that everyone right across the House will want to remember the anniversary of the successful retaking of the Falkland Islands and the superb bravery, skill and courage of all our armed forces who took part in that action. We should also remember those who fell in taking back the Falklands. I would say this: as long as the Falkland Islands want to be sovereign British territory, they should remain sovereign British territory - full stop, end of story."* [1919]

"Mr Rosindell referred in his question to the United States signing of a draft declaration supporting talks over the sovereignty of the Falkland Islands. ... Members of Parliament showed further support for the Islands with a strong presence at the Falkland Islands Government Annual Reception in London." [1920]

"The head of the Royal Navy Task Force that recovered the Falkland Islands during the 1982 South Atlantic conflict has warned about UK defense cuts and underlined that United States has little interest in supporting Britain in any conflict since a stable Argentina is more important to the State Department. Admiral Sir John 'Sandy' Woodward in a letter to the Daily Telegraph said Washington was pushing for negotiations over sovereignty and "significantly the Islands are already being called the Malvinas by the US". With the end of the Cold War and emergence of Asian powers NATO and Britain were not as important to Washington which in 1982 played a significant part in providing satellite intelligence and missiles to British forces. "We can no longer rely on the Pentagon to support us in helping the Islanders in their wish to remain essentially British sovereign territory", he wrote. This means Britain can now do "precisely nothing" to prevent Argentina retaking the Falklands. ... According to the Daily Telegraph, the Falklands are currently protected by a force of more than 1,000 troops with a reinforced company of infantry and four Typhoon fighters and a single frigate. However the Typhoons have no anti-ship or anti-submarine capability. A UK Ministry of Defense spokesman said: "Claims that the Falkland Islands could be taken without a fight are completely without substance. The current garrison in the Falkland Islands is much larger in scale and has a greater capability than in 1982 and this together with our ability to reinforce rapidly by air has been maintained"." [1921]

1917 In 2016, James Peck renounced his Argentine citizenship, and returned to the Falkland Islands. He complained that during his time in Argentina, the Buenos Airean government had attempted to use him for propaganda purposes.
1918 *Penguin News* June 17, 2011
1919 *Commons Debates > Daily Hansard – Debate June 15, 2011 col.759*
1920 *Penguin News* June 17, 2011
1921 *MercoPress* June 19, 2011

June 16th, from Uruguay, South American news agency *MercoPress* reports on Argentina's response to Prime Minister Cameron's unequivocal comments in the House of Commons.

"The British attitude shows their disregard for international law, an attitude they have maintained as they insist on continuing a colonial anachronistic situation that not only insults Argentina but the entire region, as shown by the multiple expressions of concern expressed by the OAS, the Mercosur, the Summit of Latin American and Caribbean countries and the UNASUR." [1922]

June 17th, in London, a Foreign Office spokesman rejects Argentina's complaints; *"The Prime Minister only reiterated our long standing position that the sovereignty of the Falkland Islands rests on the people's right to self-determination ... as far as the Falklands maintain their interest in remaining a British sovereign territory, they should remain that way."* [1923]

June 21st, at the UN, the Special Committee on Decolonization considers the question of the Falklands. [1924] Falkland Islands representatives are Councillors Roger Edwards and Dick Sawle. Petitioners for Argentina are Maria Angelica del Carmen Vernet and Alejandro Betts. Roger Edwards speaks to the Committee.

> *"... Argentina's claims of sovereignty over the Falkland Islands were unfounded, since those Islands had never been part of Argentina... Argentina's sovereignty claims were rooted in myth and a self-serving revision of historical facts. Its position was also illogical, because it was arguing for the decolonization of the Islands so that it could recolonize them."* [1925]
>
> *"Mr. Chairman I hope that you are a man who is open to the truth as I would now like to invite you, publicly, to visit the Falkland Islands to see for yourself our unique way of life and the freedoms we enjoy."* [1926]

Dick Sawle also addresses the Committee.

> *"The right to self-determination was a fundamental principle enshrined in the Charter of the United Nations and reiterated in General Assembly resolution 1514 (XV). If the Committee wished to stand by that principle, it had no option but to dismiss Argentina's claims as an aggressive form of territorial expansionism..."* [1927]
>
> *"Argentine Foreign Minister Timerman will claim later this morning that an Argentine civilian population was expelled from the Falklands in 1833. In 1833, Britain did expel an Argentine military garrison that had been sent to the Islands three months earlier, but the small civilian population present on the islands in 1833 was encouraged to remain and all but four individuals decided to do so. Not forty, four hundred or four thousand, but four. Argentina may wish to replace its rhetoric with evidence and detail to support its claim that an Argentine civilian population was expelled by force. Both British and Argentine historical accounts do not support this Argentine government theory."* [1928]

"The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Special Committee of 24. They asked the Committee to recognize that self-determination is a universal human right, and respect for this principle is

1922 *MercoPress* June 16, 2011
1923 *MercoPress* June 18, 2011
1924 *UN Doc A/66/23*. Also working paper *A/Ac.109/2012/12*
1925 *UN Doc A/Ac.109/2011/SR.6*
1926 *MercoPress* June 21, 2011
1927 *UN Doc A/Ac.109/2011/SR.6*
1928 *Penguin News* June 24, 2011

enshrined in the United Nations Charter as one of the purposes of this Organization. They made clear that they, like any other people, are entitled to exercise the right of self-determination. They reiterated the historical facts that the Falkland Islands had no indigenous people and that no civilian population was removed prior to their people settling on the Islands over 178 years ago. They confirmed that they are and have been the only people of the Falkland Islands, and they did not wish for any change in the status of the Islands. They lamented the measures adopted by the Republic of Argentina that unlawfully aim to limit both their transport links and their access to open and free trade." [1929]

Argentine Petitioner, Maria Angelica del Carmen Vernet, asserts that; *"That current population was not a people in the legal sense of the term and did not constitute a nation or a specific ethnicity. The inhabitants were British or of British descent and thus were no different from the citizens of the colonizing Power. As they had never been subjugated by a colonial Power, they could not exercise self-determination, since they were part of that Power themselves."* [1930]

Alejandro Betts claims that; *"Because he was an Argentine citizen, the occupying Power would not allow him to return to his birthplace, an exclusion that extended to all those born in the Malvinas Islands who had decided to settle in mainland Argentina, as well as their descendants, of whom there were more than a thousand. Those individuals were also prohibited from owning property or holding business interests on the Islands. Consequently, the Malvinas Islands had turned into a colonial enclave where Argentine nationals were not allowed to enter even as temporary workers and where the United Kingdom maintained tight demographic control."* [1931]

Chile, on behalf of Bolivia, Chile, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution calling for sovereignty negotiations between Argentina and the UK.

> *"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."* [1932]

As an observer, Argentina's Foreign Minister Timerman tells the Committee; *"The United Kingdom's real strategic and financial interests were clearly reflected in its illegal exploration for and exploitation of renewable and non-renewable natural resources in the disputed archipelago and waters, in flagrant violation of international law, including General Assembly resolution 31/49."* [1933]

1929 *UN Doc A/66/385: Letter dated 22 September 2011 from the Permanent Representative of the United Kingdom*

1930 Argentina appears to enjoy sending petitioners with the surname 'Vernet'. This provides a link to, Luis Vernet, from Hamburg, appointed by Buenos Aires as its first Military Commander on the archipelago in 1829, in the face of British warnings that it should not trespass. Relationships that are generally distant, if not actually tenuous.

1931 *UN Doc A/Ac.109/2011/SR.6*. Betts had fled the Islands in 1982 with the Argentine troops he was suspected of having assisted. He was not banned from returning although his welcome was likely to be warm, perhaps even hot. The wife and children he abandoned had not been forgotten in Stanley. *cf.* 1983

1932 *UN Doc A/Ac109/2011/L.7*

1933 *UN Doc A/Ac109/2011/SR.6.* General Assembly resolution 31/49 dates from 1976 and called upon Argentina and Britain not to introduce "*unilateral modifications*" in the situation while the islands were going through a process of negotiation. Argentina's invasion of the Falklands, itself a breach of international law and during a period of negotiation, may perhaps be seen as the worst of possible 'unilateral modifications'. In any case, by 2011, resolution 31/49 was long dead, having been replaced in 1985.

Côte d'Ivoire's representative reminds the Committee that; *"... Any solution that did not take into account the aspirations of the Islanders would be inconsistent with Article 1, paragraph 2, and Article 73 b of the Charter of the United Nations."* [1934]

Chile's draft-resolution is adopted, as in previous years, without a vote. [1935]

June 27th, in the UK, Britain's Defence Secretary, Liam Fox, tells the press that the Argentines could "*huff and puff*" but were unable to affect Britain's resolve to support the Falkland Islanders. Resoponding, Argentina's Defence Minister, Artiro Puricelli, accuses the UK of holding the Falklanders "*hostage*."

July 6th, the UN's Special Committee on Decolonization publishes its annual report. Once again, the report lays out the Falklands resolution adopted by the committee, but does not include it amongst the list of recommendations that is submitted for adoption by the General Assembly. [1936]

July 24th, in London, FIG representative Dick Sawle attends the *57th* Commonwealth Parliamentary Conference.

July 26th, speaking in Paris, Argentina's Foreign Minister Hector Timerman, accuses Britain of hiding behind its position as a permanent member of the Security Council; *"The UK can't continue to shield behind the UN Security Council permanent bench to avoid a dialogue with Argentina on the Malvinas question ... Argentina feels it is already at the negotiations table and we hope Britain will do the same. It's time the UK abides (by) UN General Assembly resolutions which every year call on both sides to sit and discuss the Falkland Islands question."* [1937]

July 29th, Brazil reiterates its intention to ban all Falkland Islands flagged vessels from its ports, in support of Argentina.

August 7th, Argentina's Defence Minister, Arturo Puricelli, is interviewed by the *Buenos Aires Herald*.

> *"What we are not going to do is to make British occupation of the Islands any easier, we do not want to negotiate with London over issues which might suit Britain without first discussing the legitimacy of Malvinas sovereignty. ... The military presence of any extra-continental power is against South American interests. The British military presence on Malvinas, South Georgia and South Sandwich is a cause of grave concern for Argentina. Allowing the entry of third parties to intrude their political and economic opinions in the region is the spark for importing outside conflicts which do not do anybody any good and will surely lead us in the worst direction. We want the United Kingdom to review its position, sit down to negotiate and stop militarizing the South Atlantic. London would have to sit down and talk to Argentina but first of all, it would have to start with the sovereignty of the islands and their occupation by force; on that basis we can talk about anything."* [1938]

September 5th, in Stanley, in the face of Argentina's blockade, the Falklands Government agrees to fund the production of more fruit and vegetables within the Islands.

1934 *Ibid.*
1935 *UN Doc A/Ac.109/2011/L.7.*
1936 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2011 A/66/23.*
1937 *MercoPress* June 27, 2011. There have been no UN resolutions regarding the Falklands since 1988. All General Assembly resolutions are advisory, not mandatory.
1938 Quoted in *MercoPress* August 8, 2011

In Beijing, at a People's Republic of China funded *International Studies Foundation* conference, Argentina's Ambassador to the United Nations, Jorge Argüello, claims that the Falklands are under *'military occupation',* with more military personal on the Islands than there are civilians. [1939]

In Spain, the Galician fishing fleet, licensed by the Falkland Islands Government, complain of being harassed by Argentine naval vessels when they return to Montevideo.

Britain's parliament considers a review of the nation's overseas territories.

"This followed a request in June 2010 from the foreign secretary that relevant officials review UK policies pertaining to the overseas territories. Between June 2010 and August 2012, the FCO held consultations with political leaders of the British Overseas Territories, and the matter was considered by the National Security Council and, later, Parliament in September 2011." [1940]

September 18th, Tierra del Fuego authorities decline to attend Chile's independence celebrations in protest at the Mayor of Cabo de Hornos referring to the Falklands by their English name.

"According to regional Radio Polar, Hugo Henríquez Matus, the Mayor of Cabo de Hornos (Cape Horn) caused outrage when he spoke of an intended visit to the Falkland Islands instead of the Malvinas Islands, as all member states of Mercosur and Unasur refer to the disputed South Atlantic Islands. Cabo de Hornos is a Chilean community close to Puerto Williams which is just across from Ushuaia the capital of Tierra del Fuego which under the Argentine constitution also has jurisdiction over Antarctica, Malvinas and other South Atlantic islands. Tierra del Fuego officials and other local authorities as every year had been invited to participate in Sunday's celebrations in Puerto Williams." [1941]

In the Falklands, the Governor, Nigel Haywood, hosts a reception for the members of the Islands' Chilean community. Interviewed by the editor-in-chief of Chilean newspaper *La Prensa Austral*, the Governor tells him that; *"... he was hopeful that the regular sea link with Punta Arenas could be re-established, something which the Falklands are longing for, particularly the Chilean community who miss their national produce as well as fresh fruit and vegetables, far cheaper than those from the UK."* [1942]

September 21st, in New York, speaking to the UN's General Assembly at its opening session, Argentina's President claims that ten General Assembly resolutions, 29 resolutions of the Special Committee, 11 resolutions of the OAS, together with others from the Ibero-American forums, UNASUR and MERCOSUR, all demand that sovereignty be addressed by the UK.

1939 *MercoPress* September 8, 2011 The Chinese International Studies Foundation is a think-tank with contributions from diplomats, former ambassadors and academics from different Chinese organizations linked to international politics. The main offices are in Beijing and the organization has ten chapters, one of them dedicated to Latin America

1940 Dodds K. & Hemmings A. D. 2012

1941 *MercoPress* September 17, 2011. In 2011, the second largest population on the Falklands was Chilean.

1942 *MercoPress* September 26, 2011

"Argentina would wait for a reasonable period of time, but if nothing transpired, it would be forced to begin reviewing the provisional understandings between the two countries that are still in effect, in particular the joint statement and exchange of letters of 14 July 1999 on regular weekly Lan Chile flights between Punta Arenas and the Islands with two monthly stopovers, one in each direction, in Río Gallegos." [1943]

In exercise of a right of reply, Britain responds; "*The United Kingdom's relationship with all of its overseas territories is a modern one based on partnership, shared values and the right of each territory, including the Falkland Islands, to determine if it wishes to retain a link to the United Kingdom."* [1944]

"If Argentina goes through with its threat to suspend the Falklands/ Chile airlink it will be an, "act of desperation", said Member of Legislative Assembly Jan Check. ... The July 14, 1999 agreement was signed in London by Foreign Secretary Robin Cook, his Argentine counterpart and Falklands councillors. Under the agreement Argentine citizens could once again travel to the Islands on their Argentine passports. ... MLA Check said: "It's clearly a threat and we arc expecting more in the lead up to the Argentine elections. "Although hypothetical, if she carries out the threat in my opinion it would be a massive own goal, she would be cutting the Islands off from Argentine veterans and their families and from Argentina's neighbours..."..." [1945]

September 22nd, at the UN in New York, Ambassador Jorge Argüello confirms that if the UK continues to refuse negotiations over the Falklands, then Argentina will cancel flights from the South American mainland.

"Why should Argentina keep facilitating British citizens to travel between the Islands and mainland Argentina, while the UK refuses to negotiate sovereignty over the archipelago and keeps on appropriating natural resources from it? So, it's totally logical if Argentina finally decides to reconsider all agreements signed with the UK." [1946]

In Buenos Aires, on the same day, a spokesman for the British Embassy tells the press that the UK government regrets that Argentina is considering withdrawing from yet another agreement. [1947]

September 25th, in New York, at the annual Ministerial meeting of the G77+ China group, the Chair calls upon the UK to resume negotiations with Argentina. [1948]

> *"The British resistance margin to comply with the international community decisions is shrinking. We now have to ask, until when is Europe going to continue supporting the occupation of the Malvinas Islands only because the UK does not want to strip off the overseas territories conquered by force?"* [1949]

Replying to the G77 statement, a Foreign Office spokesman confirms; *"Our position on the Falklands is well known. ... as long as the people of the Falklands want to remain British, we shall support that position. ... I think the air link currently flies many Argentine tourists and people close to those who were involved in the Falklands conflict (1982), which is something to keep in mind as well as the fact that the people of the Falklands wish to co exist peacefully with their South American neighbours."* [1950]

1943 *UN Doc A/Ac.109/2012/12*
1944 *UN Doc A/66/385*
1945 *Penguin News* September 23, 2011
1946 Argüello quoted in *MercoPress* September 23, 2011
1947 Argentina having previously withdrawn from the oil and fisheries agreements. See July 1999 above.
1948 Despite its name, the G77 in 2011 consisted of 131 countries (including China). Argentina held the chair in 2011.
1949 G77 Chairman, Argentine Ambassador Jorge Argüello quoted in *MercoPress* September 26, 2011
1950 *MercoPress* September 27, 2011

October 3rd, 6th & 11th, the UN's Fourth Committee, reviews the Special Committee's work.[1951]

Argentina's representative addresses the Committee; *"the Deputy Permanent Representative of Argentina stated, inter alia, that the continued existence of cases of colonialism in various forms constituted a crime that violated the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the principles of international law embodied in General Assembly resolution 2621 (XXV). He also stated that the United Kingdom was unilaterally carrying out illegal exploration for and exploitation of renewable and non-renewable natural resources in the disputed archipelagos and waters, in violation of General Assembly resolution 31/49. Furthermore, the United Kingdom was carrying out military exercises, including the firing of missiles from the Territory, which not only violated the aforementioned resolution but also obstructed the full implementation of the maritime safety standards of the International Maritime Organization and ran counter to the region's policy of consistently seeking a peaceful settlement of the dispute. The speaker concluded by saying that his Government had reiterated at every opportunity its willingness to negotiate in order to comply with its obligation to settle the dispute. It was now for the United Kingdom to fulfil its obligation as a member of the United Nations to try to reach a settlement."* [1952]

"Speaking in exercise of the right of reply, the representative of the United Kingdom said her country had no doubt regarding the sovereignty of the Falkland Islands. There could be no negotiations on that sovereignty if the population of the Islands did not so wish." [1953]

Over the last two days of the Fourth Committee's deliberations, 10 texts and draft-resolutions are forwarded to the General Assembly for adoption. Without a recommendation by the Special Committee regarding its Falklands resolution, no further action is taken on that issue.

From Buenos Aires, the Argentine Internet Users Association complains to the Internet Corporation for assigned Names and Numbers regarding the Falklands and South Georgia use of the *.fk* and *.sg* designations.

October 12th, in New York, Ambassador Jorge Argüello, Argentina's permanent representative to the United Nations, claims that the UK bribes the Islanders not to migrate to Argentina. [1954]

October 23rd, Cristina Fernandez de Kirchner is re-elected as President of Argentina.

November 9th, *Rockhopper Exploration* announces a second oil discovery near the Falkland Islands.

November 10th, the British Government confirms that Prince William will be sent to the Falklands as part of his helicopter unit's routine search and rescue mission in 2012.

November 11th, from Buenos Aires, Argentina protests, claiming the Prince's posting to be *"provocative"* as is it scheduled to take place just before the 30th anniversary of the Argentine invasion in 1982. Brugo Marco from Argentina's Foreign Ministry says; *"One cannot ignore the political content of this military operation bearing in mind that the prince forms part of the Royal Family."* [1955]

"Not unexpectedly the news provoked comment in Argentina. … Britain's armed forces chief David Richards has defended the deployment, saying it "wasn't and isn't designed to be" provocative, and the Prince would perform no ceremonial duties during his deployment." [1956]

1951 *UN Docs A/C.4/66/SR.2, A/C.4/66/SR.5, A/C.4/66/SR.6*
1952 *UN Doc A/Ac.109/2012/12*
1953 *Fourth Committee* Press Release *GA/SPD/478-483*
1954 *Mercopress* October 13, 2011
1955 *MercoPress* November 12, 2011
1956 *Penguin News* November 18, 2011

"... the dispatch of Prince William (the grandson of Queen Elizabeth II) as a helicopter search and rescue pilot to the Falklands in March 2012 (and explained at the time as a 'routine deployment' by the Ministry of Defence) was seen as deeply provocative in Argentina, and designed in part to raise the profile of the Falklands both within Britain and in the wider world." [1957]

November 28th, in Madrid, following a protest by Spain on behalf of its Galician fishing fleet, Argentina's Embassy warns that the vessels are operating illegally and that it is their duty to stop buying Falklands' licences.

"The Argentine government has stepped up its official blockade policy against the Falkland Islands warning Spanish fishing vessels are operating 'illegally' in the South Atlantic, since they have not requested licences from the Argentine government, and controls over those activities will continue. According to El Faro de Vigo, the Argentine ambassador in Madrid sent to the Vigo based Spanish high seas fishing vessels association, Aetinape, a letter spelling out that controls on Spanish vessels with Falklands' fishing licences and other flags but belonging to Spanish companies will continue ... The situation according to El Faro de Vigo affects an estimated forty fishing vessels and 600 crew members, in both cases all from Galicia, with many of these boarding incidents happening in recent months, in high seas, when the vessels abandon Falklands' fisheries and sail to Montevideo for transshipment of catches." [1958]

November 30th, at a meeting of the State Parties to the Ottawa Convention, Argentina tells the conference that it will begin mine clearance on the Falkland Islands as soon as it exercises control over the areas in question.

"The Argentine Delegation accused the United Kingdom of leaving thousands of antipersonnel mines uncleared in the Falkland Islands, during the third day of the Ottawa Convention meeting taking place in Phnom Phenh. "The only part of Argentine territory which is affected by anti-personnel mines is the Falkland Islands, but Argentina is denied access, because of its illegal occupation by the United Kingdom" said Patricio Kingsland. Secretary to the Argentine Embassy in Malaysia. In turn. Stuart Casey Maslen. an expert from the International Campaign for the Banning of Landmines (1CBL) insisted that the United Kingdom should let the Argentines clean the 200,000 mines that experts believe to be buried in the Falklands if they were not going to do it themselves." [1959]

December 1st, from Uruguay, the South American news agency, *MercoPress,* reports.

> *"Malvinas war veterans are demanding DNA tests to identify the unknown soldiers buried at the Argentine cemetery in Darwin as part of the remembrance events of the 30th anniversary of the Falkland Islands conflict in 2012. The demand from the Malvinas Veterans association, chapter La Plata, refers to the 123 tombs identified by the brief but deeply moving engraving: "Argentine soldier: only known to God".*
>
> *"Our objective is to reach the 30 years of the Malvinas war with no impunity of any kind: with no issue pending", said Ernesto Alonso speaking to the Kirchner financed newspaper Tiempo Argentino. The veterans with the sponsoring of solicitor Alejo Ramo Padilla demanded before a federal court that the Argentine State implements the necessary mechanisms for a team of Argentine anthropologists to travel to the Darwin cemetery to extract samples for DNA tests to facilitate identification."*

1957 *Recent developments in relations between the United Kingdom and the Argentine Republic in the South Atlantic/Antarctic region* Klaus Dodds & Alan D. Hemmings 2012
1958 *MercoPress* November 28, 2011
1959 *Penguin News* December 2, 2011

December 2nd, in Stanley, *Penguin News* reports:

> *"The story of Alec Betts, who fled Stanley with his Argentine girlfriend at the end of hostilities in 1982, has taken a new and fantastic twist with the news that he is now regarded officially as an Argentine war veteran and as such will receive a war pension. Described in El Diario del Fin del Mundo, the newspaper of Tierra del Fuego, as a native of that province on account of his birth in Stanley, Betts has several times been part of the Argentine delegation to the UN's Decolonisation Committee in the role of supporter of their sovereignty claim. From 1979 until June 1982, Betts worked in the Stanley office of Lineas Aereas del Eslado (LADE) in some kind of clerical capacity. As far as is known he never appeared in uniform and never left his desk."*

December 3rd, in South America, a regional forum – Community of Latin American and Caribbean States (CELAC) – is founded.

"The members of the newly former CELAC (Community of Latinamerican and Caribbean States) unanimously approved on Saturday a document in support of Argentina's claim over the Falklands/Malvinas and anticipated they would request the intervention of UN Secretary General Ban Ki-moon." [1960]

"... created with a commitment to advance the gradual process of regional integration, unity and carefully balancing political, economic, social and cultural diversity of Latin America and the Caribbean of 650 million people. Since its launch in December 2011, the CELAC has helped to deepen respectful dialogue among all countries in the region in areas such as social development, education, nuclear disarmament, family farming, culture, finance, energy and the environment." [1961]

"A block that is constituted for the first time without the protection of the United States and Canada, with the inclusion of Cuba and with a clear objective of obtaining political sovereignty, economic independence and promote equality and social justice. In this context, Malvinas ceased to be a national cause to become a regional cause." [1962]

December 6th, in London, Britain's Foreign Office presents the Argentine government with a protest:

"In a statement on Tuesday the Foreign Office said: "Although we are aware that Argentina has recently challenged vessels transiting between the Falklands and the port of Montevideo – purportedly under Argentine Decree 256, we are not aware of any vessel that has been fined or individual that arrested. The UK has protested to Argentina, and has firmly rejected Decree 256. We consider that it is not compliant with international law, including the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS provides for ships of all States to enjoy the right of innocent passage through territorial seas. The UK is clear that no vessel needs to comply with Argentine Decree 256 when transiting Argentine waters. However, decision is ultimately a matter for ships' owners. In the latest series of incidents Argentine patrol boats intercepted radio communications of Spanish fishing vessels operating with Falkland Islands licences and asked for information from the captain." [1963]

December 7th, in the UK, news leaks out of a proposed one million square mile conservation zone to be placed around South Georgia and the South Sandwich Islands.

1960 *MercoPress* December 5, 2011
1961 From the CELAC website
1962 Alicia Castro in *Malvinas: Una Cause Regional Justa* 2020 (CLACSO) p.132
1963 *MercoPress* December 7, 2011

"A British official speaking on condition of anonymity confirmed the details in The Times and said a formal announcement was due in the coming days by the government of South Georgia. "We are planning a marine protection area. There's no real secret about it, we have talked to the stakeholders and discussed it with the fishing industry" the official said. "These are UK waters that are under discussion". The marine zone would allow authorities to ban the slaughter of whales and other wildlife, while fishing would only be permitted in designated areas, the Times said." [1964]

"The English are feeling uneasy because the government of President Cristina Fernandez is involved in a major diplomatic task exposing the unjustified usurpation of the Malvinas Islands... I believe that the decision to create a sanctuary is only geared to generate a space that under the umbrella of ecology and the conservation of the environment allows the UK to determine an even greater usurpation area." [1965]

December 8th, from Uruguay, South American news agency, *MercoPress,* reports:

> *"Argentine lawmaker and president of the Malvinas Islands Parliamentary Observatory, Alfredo Atanasof, said Britain's intention of creating a huge marine conservation zone in waters of South Georgia was "completely illegitimate" ... "The initiative is another colonialist action from Britain and completely illegitimate which requires the rejection of all sectors of the Argentine society and our Latin American partners", said Atanasof. "The difficult sustentation (sic) of British colonial policy needs of new strategies to support its illegal position...", added the legislator."*

December 13th, *Rockhopper Exploration* announces a third oil discovery.

December 15th, Uruguay states that it will deny access to its ports to Falkland Islands flagged ships.

"Uruguay has banned the docking of Falklands/Malvinas flagged vessel in the port of Montevideo, following on complaints from Argentina that several fishing vessels with that flag, in recent months had been operating from Montevideo. ... Apparently in the last few months three Falklands flagged vessels called in Montevideo and the Argentine Ministry of Foreign Affairs reported them to Uruguay, expressing "deep disappointment" with Montevideo's attitude. President Mujica on being informed instructed port of Montevideo authorities to ban access to all Falklands flagged vessels and those in transit to the disputed Islands over which Argentina claims sovereignty." [1966]

December 19th, from Uruguay, South American news agency, *MercoPress,* reports:

> *"Spanish ambassador in Uruguay, Aurora Diaz-Rato, criticized Argentina following an incident with an Argentine Coast Guard unit which tried to intercept a Spanish flagged vessel when exiting Montevideo en route to the Falkland Islands. "It's a mistake from the Argentine authorities. They have no right because there is free navigation for Spanish vessels in international waters", said the Spanish ambassador to a local channel news program.*
>
> *Ms Díaz-Rato added that "we are waiting for information from the Uruguayan government", referred to the attempt by an Argentine Coast Guard to challenge and board the Spanish fishing vessel 'Villa Nores' when it was leaving the port of Montevideo."*

1964 *Ibid.*
1965 Argentina's Defence Minister, Arturo Puricelli, quoted in *MercoPress* December 9, 2011
1966 *MercoPress* December 15, 2011

December 21st, Mercosur countries agree to ban Falkland flagged vessels from their ports. [1967]

"The UK government reacted with concern yesterday to the tightening of the positions of the Mercosur member countries on the Falkland Islands. "We are very concerned about this latest attempt by Argentina to isolate the population of the islands and damage their livelihood, which has no justification," the British Foreign Ministry said in a statement." [1968]

"During the governments of Néstor Kirchner (2003–2007) and Cristina Fernández (2007–2015), the policy regarding the conflict in the Falkland Islands (Malvinas Islands) once again prioritized the multilateral forums and incorporated two new features. First of all, the Argentine government adopted unilateral measures. ... Secondly, Argentina sought to regionalize the conflict, seeking that both the Common Market of the South (Mercosur) and the South American Union of Nations (UNASUR) to adopt policies regarding the conflict." [1969]

December 23rd, in his Christmas Message to the Falkland Islands, Britain's Prime Minister David Cameron tells the Islanders; *" ... Argentina continues its unjustified and counterproductive efforts to disrupt shipping around the Islands and to deter business from engaging in legitimate commerce. ... So let me be absolutely clear. We will always maintain our commitment to you on any question of sovereignty."*

December 24th, in New York, at the UN; *"... the General Assembly decided that the agenda item on the question of the Falkland Islands (Malvinas) would remain for consideration during its resumed sixty-sixth (2012) session (decision 66/557)."* [1970]

December 29th, Uruguay's coast guard service informs port operators that Falklands' flagged vessels must not be permitted to dock in Uruguayan ports.

"The decision sponsored by the Uruguayan government in support of Argentina's sovereignty claim over the Falklands and later approved by Mercosur for all regional ports caused great concern among the Galician fleet since almost twenty of their South Atlantic vessels are registered under the Falklands flag. Montevideo has been traditionally the supply, bunkering, repairs and transshipment hub for the Spanish South Atlantic fleet. The fact that following the December Mercosur summit in Montevideo the decision was made extensive to Brazilian ports, considered an alternative instead of Uruguay, was described as "the worst possible piece of news", by the Vigo and Spanish media." [1971]

December 30th, in the port of Montevideo, HMS *Protector* docks without objections from the Uruguayan government.

"..."HMS Protector was authorized to dock in Montevideo because it does not contradict the Uruguayan government policy towards the Malvinas issue" said Juan Jose Dominguez, Vice President of the Uruguayan Ports Authority, ANP. ... "Had it been a fishing vessel with British flag, as we have said there would be no inconvenience; they are welcomed to operate in Montevideo. The issue is the Malvinas flag..".." [1972]

1967 Originally agreed in 2010, at that time only Argentina had imposed a ban. Uruguay and Brazil were the other MERCOSUR coastal countries to now join Argentina.
1968 *InfoNews*, Buenos Aires December 22, 2011
1969 Eissa 2019
1970 *UN Year Book 2011*. In effect saying that the question of the Falklands would remain open for the rest of the session. The subject was not raised again. *cf.* 2004 & 2005
1971 *MercoPress* January 5, 2012
1972 *MercoPress* January 4, 2012

2012 — January 3rd, Argentina repeats its annual claim to sovereignty over the Falkland Islands.

> *"On 3 January 1833, British forces occupied the Malvinas Islands, expelling their inhabitants and replacing the Argentine authorities that had been legitimately established there with subjects of the occupying Power. The Argentine Republic immediately protested that illegitimate act of force, which continues today and to which it never consented. The Argentine Government once again reaffirms the Argentine Republic's imprescriptible rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory."* [1973]

January 8th, in the UK, interviewed by the BBC, Britain's Prime Minister, David Cameron, mentions the Falklands; *"We must make sure their defences are strong and that's exactly what we are doing, and there's no question of negotiating on the question of the sovereignty of the Falkland Islands."* [1974]

January 10th, in Britain's House of Lords, Lord Howell presents a Ministerial statement from Foreign Secretary William Hague regarding Uruguay's ban on Falklands flagged shipping.

> *"Our response has been justifiably robust. The Uruguayan Ambassador was formally summoned to the FCO and I spoke twice to the Uruguayan Foreign Minister to underline how seriously we regard this development. Our ambassadors in the region were instructed to call on their host Governments to express our strong objection to the Mercosur statement and to assess the practical implications for vessels operating between the Falklands and South America.*
>
> *We made clear that the decision to close ports to ships flying the Falklands flag has no legal basis, and that it would be unacceptable and unbecoming for any Latin American democracy to collaborate in Argentina's attempts to economically blockade the Falkland Islands. We reiterated our strong support for the rights of the islanders to determine their political future, and also made clear that any attempts to coerce them through economic or other pressures would be resisted by the British Government. Such actions are inconsistent with the principles of the United Nations Charter and the rights of the Falkland Islands people to trade openly and without hindrance. ...*
>
> *We have had productive and honest discussions with Uruguay, Chile and Brazil. All three countries have said that they have no intention of participating in an economic blockade of the Falkland Islands and that all Falklands-related commercial shipping will continue to enjoy access to their ports, in accordance with domestic and international law, if they are flying the Red Ensign or another national flag when docked."*

January 11th, from Buenos Aires, Argentina's Foreign Ministry denies that there has been any change.

"Foreign Affairs Minister Hector Timerman personally contacted his peers Antonio Patriota, Alfredo Moreno and Luis Almago who confirmed that their respective governments had not modified their position since the adoption of the Mercosur and associate States 20 December declaration regarding vessels flying the illegal flag of the Malvinas Islands." [1975]

1973 *UN Doc A/66/653: Letter dated 3 January 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

1974 *MercoPress* January 9, 2012

1975 *MercoPress* January 11, 2012

January 18th, in London, Britain's Prime Minister addresses the House of Commons with regards to the security of the Falkland islands; *"I'm determined we should make sure that our defences and everything else are in order, which is why the National Security Council discussed this issue yesterday."* [1976]

"British Prime Minister David Cameron has accused Argentina of "colonialism" over the country's claim to the Falkland Islands. Speaking at Prime Minister's Questions in the Commons, Cameron vowed to protect the Islands' population and allow them to decide their own future. "What the Argentines have been saying recently, I would argue, is far more like colonialism because these people want to remain British and the Argentines want them to do something else", said PM Cameron. Argentina's government has been ramping up its rhetoric over the territories in recent months as the 30th anniversary of the 1982 Falklands conflict approaches. ... Cameron added: "It's very important we commemorate the Falklands conflict in this year, the 30th anniversary, and we remember all those who served and who fought so hard and those who gave their lives and didn't come home. The absolutely vital point is that we are clear that the future of the Falkland Islands is a matter for the people themselves. As long as they want to remain part of the United Kingdom and be British, they should be able to do so"." [1977]

"The Argentine Government's concern has recently increased owing to statements made and decisions adopted by the British Government that are clearly provocative in nature and that result in the creation of a situation in the South Atlantic that is desired by neither Argentina nor the region. The statements made to Parliament by Prime Minister David Cameron on 18 January 2012 cannot be interpreted otherwise, as he referred to the Malvinas Islands military forces and said that he had convened the National Security Council to discuss this issue." [1978]

January 20th, Britain's *Daily Mail* newspaper reports:

> *"Fuming Argentine politicians yesterday accused David Cameron of being 'ignorant' as the diplomatic row over the Falkland Islands worsened. The Prime Minister came under fire after accusing Buenos Aires of 'colonialism' for threatening the disputed South Atlantic territory and was told mockingly: "You need history lessons". ...*
>
> *Mr Cameron raised the political stakes during Prime Minister's Questions on Wednesday when he delivered a 'strong message' to counter Argentine sabre-rattling. He said the Armed Forces had drawn up contingency plans for combating any threat to the archipelago. Downing Street was warned at a recent security summit that Argentine fishermen may plant their national flag on the islands in a campaign of intimidation. ...*
>
> *Forces currently based on the islands include 1,200 troops and four Eurofighter Typhoons, while the surrounding seas are patrolled by the frigate Montrose, the offshore patrol vessel Clyde and survey ship Protector."*

In Washington DC, a question is put to the Office of the Spokesman at a press briefing.

"Question: "Does the U.S. take a position on the recent posturing between the United Kingdom and Argentina over the Falklands"? Answer: "This is a bilateral issue that needs to be worked out directly between the governments of Argentina and the United Kingdom. We encourage both parties to resolve their differences

1976 *The Telegraph* January 18, 2012
1977 *MercoPress* January 18, 2012
1978 *UN Doc A/66/696: Letter dated 10 February 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

through dialogue in normal diplomatic channels. We recognize de facto United Kingdom administration of the islands but take no position regarding sovereignty".” [1979]

In San Salvador, on the same day, during a radio interview, Argentina's Foreign Minister Hector Timerman, assures his audience that Argentina's tactics are working; *“Not even English newspapers are supporting Cameron, ... the only way for England to get out of this mess is through direct negotiations with Argentina.”* [1980]

In Buenos Aires, also on the same day, protestors burn the Union Flag outside the British Embassy. Organised by the Socialist Workers Movement, protest leaders call for Argentina to break off diplomatic relations with the UK.

January 21st, in Grenada, the *Seventh Ministerial UK-Caribbean Forum* opens. [1981] The forum agrees: *“ To support the principle and the right to self determination for all peoples, including the Falkland Islanders, recognising the historical importance of self-determination in the political development of the Caribbean, and its core status as an internationally agreed principle under the United Nations Charter.”* [1982]

“The meeting,... was held under the theme "Prosperity Towards Sustainable Growth" and was attended by the UK Government and members of the Caribbean Community organization (CAR1CoM). Numerous Caribbean Heads of Government and Ministers attended the meeting. with the UK represented by the Foreign Secretary' William Hague, and the Overseas Territories Minister Jeremy' Browne ...” [1983]

In the UK, an article by the UK's Foreign Secretary, William Hague, is published in *The Times* newspaper.

> *“The future of the Falkland Islands is about people: their freedom to determine their own future and to develop their own community and economy. Thirty years after the Argentine invasion, their right to self-determination remains, and will always remain, the cornerstone of our policy. This is in tune with the beliefs in human and political rights of the 21st century, but it is also rooted in history. ...*
>
> *Argentina alleges that Britain took the Falklands by force in 1833, expelling the civilian Argentine population and supplanting it with British subjects. The facts speak differently: Britain took formal possession of the islands in 1765, establishing various settlements over the next half century before the independent state of Argentina came into being.*
>
> *In 1832 Argentina dispatched a military garrison to the islands. Britain protested and sent forces to remove it. No civilians were expelled and historical evidence suggests that the majority of the 30 or so civilians chose to stay. British settlers arrived from 1833 onwards, and were joined by other nationalities. In 1850 Britain and Argentina signed an agreement to settle their "existing differences". And in the 90 years between 1850 and 1940 Argentina made only one formal diplomatic protest over the Falkland Islands, in 1888.”* [1984]

January 27th, in New York, responding to Argentina's annual claim at the UN, Britain's Ambassador Mark Lyall Grant, writes to the Secretary-General.

1979 See - https://2009-2017.state.gov/r/pa/prs/ps/2012/01/182294.htm

1980 *MercoPress* January 20, 2012

1981 Attended by Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St Kitts & Nevis, Saint Lucia, Saint Vincent & Grenadines, Surinam, Trinidad-Tobago and Montserrat

1982 *Penguin News* January 27, 2012

1983 *Ibid.*

1984 The 1888 exchange was listed as a formal protest by the Foreign Office, although no formal protest note was presented by Argentina. The reasoning at the time is unknown. See 1888. Hague's complete article can be found here - https://www.gov.uk/government/news/falkland-islanders-must-be-masters-of-their-own-fate

"The United Kingdom is clear about both the historical and legal position on the sovereignty of the Falkland Islands. No civilian population was expelled from the Falkland Islands on 3 January 1833. An Argentine military garrison had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine military garrison on 3 January 1833. The civilian population, who had previously sought and received British permission to reside on the Islands, were encouraged to remain. The majority voluntarily chose to do so. In 1833, the territorial borders of the Republic of Argentina did not include the geographical southern half of its present form, nor any territory in the Falkland Islands, Antarctica, or South Georgia and the South Sandwich Islands.

The land which now forms the Argentine province of Tierra del Fuego, of which the Republic of Argentina purportedly claims the Falkland Islands forms a part, did not itself form part of the Republic of Argentina until approximately half a century after 1833, by which time the current Falkland Islands people had lived and raised two generations on the Islands. British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina even existed. ... In May 1850, the Republic of Argentina and the United Kingdom ratified the Convention for settlement of existing differences and the re-establishment of friendship.

In the 90 years following ratification of the 1850 Convention, the Republic of Argentina only submitted one official diplomatic protest, in 1888. In 1863, at the same time that Spain was negotiating a treaty recognizing the Republic of Argentina as a sovereign state, the British Governor of the Falkland Islands officially received a Spanish diplomatic and scientific delegation to the British Falkland Islands and received no protest.

By 1880, the Falkland Islands had second generation Falkland Islands-born people, and the Falkland Islands had been internationally accepted as British sovereign territory, with consular representation from many other countries on the islands, including Chile and the United States of America.

The Republic of Argentina only returned to regular sovereignty protests after the outbreak of the Second World War in 1939... Furthermore the status of the Falkland Islands should not be solely dependent on two-centuries-old history, given the important developments in the international system and in international law since that time. Neither should it be subject to the aggressive territorial aspirations of another country. It should and will depend on the people of the Islands." [1985]

In the UK, on the same day, a House of Commons Library Research Briefing Note considering the Nestor and Cristina Kirchner presidencies, is made available.

"The Kirchners belonged to Argentina's Peronist party, which they developed into their own brand of left-wing populism, known as 'Kirchnerism'. It tends towards nationalism, emphasises increased public spending and is against foreign capital. 'Kirchnerism' is similar to the classic 'Peronism' of the late 1940s and early 1950s, and has also been criticised for being authoritarian. Nestor Kirchner died in October 2010, while Cristina Kirchner was re-elected in October 2011." [1986]

1985 *UN Doc A/66/677: Letter dated 27 January 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*

1986 Document available at https://commonslibrary.parliament.uk/research-briefings/sn05602/ also via https://falklandstimeline.files.wordpress.com/2021/02/argentina-and-the-falkland-islands-house-of-commons-standard-note-january-2012.pdf

From Stanley, also on the same day, *Penguin News* reports; *"The Argentine President's comeback speech on Wednesday after her recent thyroidectomy was less explosive than some pundits had predicted, and though she did not exactly wind in her new neck on the subject of the Falklands, she did say that there would be no "intemperate shouting or actions" on this issue from her government. "I've been told that we have some bad intentions for the anniversary and are preparing naughty surprises. Well it's all nonsense; we are going to keep to the political, juridical and diplomatic path we have been working on. This is only an attempt, who knows by whom, to show us as the 'bad boys' or the 'violent guys' of the picture"."*

January 30th, Argentina announces that its new Ambassador to the UK is Alicia Castro. [1987]

"The appointment of a close friend of the Kirchners' and of Venezuelan President Hugo Chavez as Argentine Ambassador to London has been greeted favourably by the British Foreign Office … Alicia Castro, who Penguin News sources slate was once an Aerolineas Argentinas air hostess, is said to have played an important role as head of Argentina's Caracas embassy. … The role of Ambassador to London has been vacant for nearly four years and Ms Castro takes the place last occupied by Federico Mirres, who left office in August 2008 at the end of his mandate to retire. The appointment of an ambassador after such an absence comes at a time of heightened diplomatic activity over the Falklands sovereignty dispute. … Ms Castro has a unionist and lawmaker background and her last post was Argentina's ambassador to Venezuela." [1988]

February 1st,in London, the Ministry of Defence announces the deployment of *HMS Dauntless*, a new type 45 destroyer, to the South Atlantic.

"The deployment to the Falklands of one of the Royal Navy's two newest Type 45 destroyers. HMS Dauntless, was described as routine by Foreign Secretary William Hague, who told media that the British ship, "packs a very considerable punch". Dauntless is armed with supersonic Sea Viper missiles and an air defence system which it is claimed can take out targets the size of a cricket ball moving at three times the speed of sound. A Royal Navy spokesman down played the $1 billion destroyer's deployment and rejected the idea that it was a sign of escalation in the tensions between Britain and Argentina." [1989]

February 2nd, in the Falkland Islands, Prince William arrives to continue his training as a search and rescue helicopter pilot.

"… "There are certain people that we would just like to allow to get on with their job if that's possible, and give them the opportunity to see as much of the Falklands as they possibly can", Commander British Forces Falkland Islands Brigadier Bill Aldridge said this week when asked about the deployment of Prince William to the Falkland Islands as an RAF search-and-rescue pilot." [1990]

Argentina protests; "*The Argentine Republic rejects the British attempt to militarize a conflict that the UN has already said must be solved through bilateral negotiations between both nations."* [1991]

Argentine Industry Minister Debora Giorgi urges business leaders in Buenos Aires to replace British imports with items from other countries that were sympathetic to Argentina's claim over the Falkland Islands. [1992]

February 4th,in Stanley, a group of 19 Uruguayan business representatives arrive to research trade opportunities.

1987 The previous Ambassador had left the UK in August 2008.
1988 *Penguin News* February 3, 2012
1989 *Ibid.*
1990 *Ibid*
1991 Argentina's Foreign Ministry quoted in *MercoPress* February 1, 2012
1992 *Stormy waters: Britain, the Falkland Islands and UK-Argentine Relations* Klaus Dodds 2012

HMS *Vanguard*, a nuclear submarine, is reported to have been despatched to the Falkland Islands. [1993]

February 8th, the House of Commons Library publish a Standard Note: *The Defence of the Falkland Islands*.[1994]

February 10th, at the UN, Argentina's Foreign Minister Timerman, lodges a protest with the Secretary-General.

> *"The Argentine Republic is once again compelled to alert the international community, through the principal organs of the United Nations, to the growing British militarization of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, … The Argentine Government has repeatedly stressed that this growing British militarization is contrary to the search for a peaceful settlement to the sovereignty dispute and constitutes an affront to the entire region, creating unnecessary tension in the South Atlantic. … the United Kingdom's conduct in relation to the sovereignty dispute is incompatible with its obligations as a United Nations Member State regarding the peaceful settlement of international disputes pursuant to the provisions of the Charter.*
>
> *This is particularly serious in view of its status as a permanent member of the Security Council, the body responsible for safeguarding international peace and security. Even more serious is the fact that, at a time when the world is discussing the need to control and reduce nuclear danger, a permanent member of the Security Council is sending a contradictory message."* [1995]

"On 10 February 2012, the Secretary-General met with the Foreign Minister of Argentina, Héctor Timerman, and discussed recent developments related to the Falkland Islands (Malvinas). The Foreign Minister, inter alia, lodged a protest against what he termed the United Kingdom's "militarization of the South Atlantic" and sought the Secretary-General's support for dialogue in the context of his good offices. The Secretary-General expressed concern about the increasingly strong exchanges between the Governments of Argentina and the United Kingdom on that issue. He expressed the hope that the Governments of Argentina and the United Kingdom would avoid an escalation of the dispute and resolve differences peacefully and through dialogue. The Secretary-General reiterated that his good offices to resolve the dispute remained available if both countries so requested." [1996]

At a press conference, Minister Timerman also accuses the UK of introducing nuclear weapons into the region.

"Further, the Foreign Minister expressed the same protest in meetings with the Presidents of the Security Council and the General Assembly, subsequently followed up with a letter to the President of the General Assembly. In the letter, it was stated that Argentina had been "compelled to alert the international community, through the principal organs of the United Nations, to the growing British militarization of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas". Argentina had information referring to "the dispatch of a nuclear submarine with the capacity to transport nuclear weapons to the South Atlantic". Further, the communication stated that "the British military escalation is of concern not only to Argentina but also to the countries of the region and beyond", and mentioned the rejection of "British military deployment in the area" by the Union of South American Nations (UNASUR) and the Ibero-American Summit of Heads of State and Governments. The same day at a press conference the Minister for Foreign Affairs called for the start of dialogue on the sovereignty of the Islands and urged the United Kingdom

1993 Emphasis on 'reported'. The British Government did not, and does not, not comment on the location of submarines.
1994 *SN06201* See - https://falklandstimeline.files.wordpress.com/2012/02/falklands-defence-2012.pdf
1995 *UN Doc A/66/696*. A rather long letter that also managed to distort much of the history of the archipelago. The letter can be found here - https://falklandstimeline.files.wordpress.com/2022/09/letter-dated-10-february-2012-from-the-charge-daffaires-a.i.-of-the-permanent-mission-of-argentina-to-the-un.pdf
1996 *UN Doc A/AC.109/2012/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

to comply with the numerous General Assembly resolutions which called for both parties to sit down at the negotiating table and to refrain from the militarization of the South Atlantic." [1997]

Holding a press conference of his own, UK's Ambassador to the UN, Lyall Grant, responds.

> *"It is unfortunate that Argentina changed its constitution in the 1990s to make it incumbent upon the Argentinian government to obtain sovereignty over the Falklands. If the Falkland Islanders themselves ask for a change in the status, then we would do everything we could to help them achieve that. … the charge from Mr. Timerman about militarization of the region by the United Kingdom is manifestly absurd. Before 1982, there was a minimal defence presence on the Falkland Islands. It is only because Argentina illegally invaded the Falkland Islands in 1982, that since then we have had to increase our defence posture. Nothing has changed in that defence posture in recent months or recent years. All the issues that he referred to, the 6 monthly missile tests, the deployment of ships, has been going on for the last 30 years. The only thing that appears to have changed is the politics in Argentina. … On the nuclear issue, as I said, nothing has changed in the British defence posture around the Falkland Islands... The facts in the Falkland Islands are very clear. It is a question, in our view, of self determination, because there is no issue of sovereignty. The claim of sovereignty is an entirely manufactured claim that has no basis in law and no basis in history, and therefore it's a manufactured claim. Why on earth should Argentina suddenly decide that it has sovereignty over the Falkland Islands just because they happen to be 300 miles away? On that basis Canada could claim sovereignty over Alaska. It just doesn't make any sense. There is no historic, there is no judicial basis for the claim of sovereignty."* [1998]

In Montevideo, on the same day, the Argentine Embassy to Uruguay launch a '*Malvinas Forum*' with the purpose of promoting support for Argentina's South Atlantic claims.

February 11th, South American news agency, *MercoPress,* reports:

> *"UN Secretary General Ban Ki-moon expressed concern about the increasingly strong exchanges between Buenos Aires and London, according to information released by a spokesperson for the Secretary-General. He called on the two governments to avoid escalating their dispute and to resolve their differences peacefully and through dialogue, stressing that his good offices remain available if requested."*

February 13th, in Argentina, *Gaceta Mercantil* reports comments by Chile's Minister of Foreign Affairs.

> *"There has not been any conversation, nor request, nor questioning by Argentina on Lan Chile flights between Punta Arenas and the Falklands, which are the only ones that unite those islands with the American continent. The Argentine Government has never proposed, neither to us nor to other countries, an economic blockade of the community of the Falklands."* [1999]

February 22nd, in New York, responding to Argentina's protest, the UK tells the Secretary General that it's military posture remains unchanged, adding that the accusations; *"… calls into question the evidential threshold applied by the Republic of Argentina to all its political claims."* [2000]

1997 *Ibid.*
1998 *Ibid*.
1999 Quoted in Romero 2020
2000 *UN Doc A/66/706: Letter dated 22 February 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General.* The letter can be found here - https://falklandstimeline.files.wordpress.com/2022/09/letter-dated-22-february-2012-from-the-permanent-representative-of-the-uk-...-to-the-un.pdf

"The Republic of Argentina has enshrined within its own Constitution that the only acceptable future is full Argentine sovereignty over the Falkland Islands. The Republic of Argentina does not seek genuine dialogue, but simply wishes to discuss the terms for a transfer of sovereignty. But neither the United Kingdom nor the Republic of Argentina can negotiate away the principle and right of self-determination for the Falkland Islands people.

We should like to remind the Republic of Argentina of their international legal obligations to respect the principle and right of self-determination for all peoples, as respectively set out under the United Nations Charter (Article 1.2), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (common article 1)." [2001]

February 23rd, in Buenos Aires, a letter signed by 17 academics appears in Argentine newspaper *La Nacion*, titled *Malvinas Una vision alternativa (An Alternative Vision of the Malvinas)*. [2002]

"Three decades after the tragic military adventure of 1982 we still lack a public critique of the social support that accompanied the Malvinas war and mobilized almost all sectors of Argentine society. Malvinas, who proclaims that the Islands are an "unredeemed territory", makes its "recovery" a question of identity and places it at the top of our national and international priorities.

The country's international agenda. A minimally objective analysis shows the gap between the enormity of these acts and the real importance of the Malvinas question, as well as its lack of relevance to the great political, social and economic problems that afflict us.

However, a climate of nationalist agitation driven by both governments again seems to affect a large number of our leaders, both official and opposition, who are proud of what they call a "state policy."

We believe it is time to examine this policy in depth from a conviction: Argentine public opinion is ripe for a strategy that reconciles legitimate national interests with the principle of self-determination on which this country has been founded... We need to abandon the agitation of the cause Malvinas and develop an alternative vision that will overcome the conflict and contribute to its peaceful resolution. The main national problems and our worst tragedies have not been caused by the loss of territories or the scarcity of natural resources but by our lack of respect for life, human rights, democratic institutions and the foundational values of the Argentine Republic, Such as freedom, equality and self-determination.

Hopefully, the two of April and the year 2012 will not lead to the usual escalation of patriotic declarations, but will serve for Argentines, leaders and citizens, to reflect together and without prejudice on the relationship between our own mistakes and the failures of our country." [2003]

They are promptly accused of being '*traitors*' and '*sell-outs*.' [2004]

2001 *Ibid.*

2002 The South Atlantic Council website gives the date as the 22nd. Signed by Jorge Lanata, Juan José Sebreli, Emilio de Ípola, Pepe Eliaschev, Rafael Filippelli, Roberto Gargarella, Fernando Iglesias, Santiago Kovadloff, Gustavo Noriega, Marcos Novaro, José Miguel Onaindia, Vicente Palermo, Eduardo Antin (Quintín), Luis Alberto Romero, Hilda Sabato, Daniel Sabsay and Beatriz Sarlo. See - https://www.lanacion.com.ar/politica/una-vision-alternativa-sobre-la-causa-de-malvinas-nid1450787/ This letter was considered again by one of its signatories, Vicente Palermo in 2023. See - https://seul.ar/malvinas-alternativa/

2003 *Malvinas: una visión alternative* 2012

2004 *BBC News: Latin America & Caribbean* February 23, 2012

"... a group of seventeen intellectuals (historians, sociologists, philosophers, constitutionalists, journalists) released a document entitled "Malvinas, an alternative vision", referring to the dispute that our country maintains with Great Britain for the sovereignty of the islands. It revolved around two issues. On the one hand, they criticized the national government's policy regarding the conflict, stating that "it is necessary today to put an end to the contradictory demand of the Argentine government to open a bilateral negotiation that includes the issue of sovereignty at the same time that it is announced that the Argentine sovereignty is non-negotiable." On the other hand, it held as valid the principle of self-determination of the inhabitants of the islands, and urged the national government to "offer instances of real dialogue with the British and, in particular, with the Falklanders", who should be recognized... The weakness of the arguments put forward – despite the prestige of several of the signatories – caused other intellectuals and political actors to refute it immediately... Nevertheless, what underlies the document is a strong questioning of the sovereign rights of our country over the archipelago,..." [2005]

"Those signing advocated the need for a more relaxed approach to the Islands and their inhabitants and included the argument that the Islanders' rights should be respected. The statement, which had been hinted at in two columns by Lanata who also suggested the need for scholarships and exchanges, sparked a wave of threats and insults which were out of all proportion to what had been written. The stridency of the objections grew to a point where the signatories were unable to find a venue from which to make their opinions public. One site was made available, but the owners of two or three other venues refused, arguing that they feared reprisals. ... the refusal of possible venues for launching and debating a moderate statement was clear evidence that there was public fear in Argentina. We lived in a fearful society, with a varied list of causes for fear. It should not be denied. And if there was fear of hearing an opinion different from that of a government that claimed to represent the majority, could a society or a country be seen as reliable when government and population deny the existence of fear and play down the evidence? This is just one of several circumstances regarded as minor. But the fact is that wide-ranging negotiation is complicated if there is the presence of fear in that society." [2006]

February 25th, members of Argentina's Senate and Chamber of Deputies sign up to the *Declaration of Ushuaia*.

"The Senate and the Chamber of Deputies of the Nation

DECLARE,

1 – The legitimate and imprescriptible sovereignty of the Argentine Republic over the Falkland Islands, South Georgia, South Sandwich and the surrounding maritime spaces, as established in the First Transitional Provision of the National Constitution, in its capacity as integral parts of the national territory, in accordance with the provisions of law 26,552, which sets the limits of the Province of Tierra del Fuego, Antarctica and the South Atlantic Islands, and the documentation establishing the delimitation of the Argentine continental shelf, presented by the Argentine government to the Commission on the Limits of the Continental Shelf, in compliance with the provisions of Annex II of the Convention on the Law of the Sea...." [2007]

"Argentine lawmakers from the entire political arch stamped on Saturday their support to the so called "Ushuaia declaration" claiming sovereignty over the Malvinas Islands and calling for dialogue with the UK to overcome the ongoing dispute. Forty five members of Congress, Senators and Deputies signed the document in

2005 *La soberania argentina sobre las Islas malvinas, de ayer a hoy* Claudio Panella 2015
2006 *The limits of negotiation* Andrew Graham-Yooll 2020
2007 A translatable version of the whole can be found here - https://www.senado.gob.ar/micrositios/nota/10219/noticias

a special session of the Foreign Affairs committees from the two Houses in Ushuaia, capital of the Tierra del Fuego province which under the amended 1994 Argentine constitution includes jurisdiction over the Malvinas Islands. The declaration ratifies the "legitimate and imprescriptible Argentine sovereignty over the Malvinas, South Georgia and South Sandwich and adjoining maritime spaces Islands". The ten article statement rejects the "persistent colonialist and militaristic attitude of the UK in the South Atlantic " and reaffirms Argentina commitment to dialogue and peace in the region as expressed in repeated UN assembly mandates." [2008]

February 27th, after visiting the Falklands archipelago, two cruise ships are refused entry to the Port of Ushuaia, in Tierra del Fuego. [2009]

February 29th, Argentina's Foreign Ministry issues a press release suggesting that the European Union are urging the UK to hold talks with Argentina over the Falkland Islands.

"Argentina proposes that the European Union, alongside the Union of South American nations analyze the Malvinas islands issue and summon both countries to restart talks urged by the UN General Assembly on several occasions and that England ignores, showing contempt to the highest organization for the peaceful solution of countries between nations and thus putting multilateral organizations at risk ..." [2010]

March 1st, in a speech to Congress, President Fernandez de Kirchner informs the Argentine nation that she wishes to re-negotiate the 1999 flight agreements with Britain.

"I have instructed our Foreign Minister and our ambassador in London to ask for negotiations with the British government in order to have... flights leaving from mainland Argentina – Buenos Aires – to the Islands in our flag carrier, Aerolineas Argentinas." [2011]

In the UK, Britain's Foreign Office responds to a question from the BBC.

".... "The weekly flight to and from Chile is a well-established route, and is valued greatly by the Falkland Islanders, including the Chilean community and others", a UK Foreign Office spokeswoman was quoted by the BBC. "It would be deeply disappointing and utterly unjustifiable if Argentina put pressure on this flight to be suspended". The spokesperson added that if Argentina wanted to promote air links between the continent and the Falklands, it should reconsider a ban on charter flights through its airspace. "President Fernandez's current policy of seeking to isolate and dictate to the Falkland Islanders - from the harassment of fishing vessels to the closure of shipping ports - is indefensible and will not succeed"..." [2012]

March 3rd, in Argentina, following the refusal of Tierra del Fuego to allow cruise ships from the Falklands to enter its ports, the Governor of Chubut's office issues a statement to say that cruise ships are welcome at Puerto Madryn.

March 5th, in Buenos Aires, President Cristina Fernandez de Kirchner announces that her government will demand a review of the Anglo-Argentine South Atlantic fisheries agreements. [2013]

March 7th, in Brussels, following calls from Argentina's Ministry of Industry for a boycott of British goods, the European Union calls for Argentina to comply with its trade agreements.

2008 *Mercopress February 26*, 2012
2009 Something of an own goal, surely?
2010 *Mercopress* March 1, 2012
2011 *Ibid.*
2012 *Ibid*
2013 See November 28, 1990. Also - https://falklandstimeline.files.wordpress.com/2018/01/1990-joint-statement-on-the-conservation-of-fisheries.pdf

March 8th, at the UN, the Secretariat's working paper on the Falkland Islands is published.

> *"Action taken by the General Assembly: By adopting resolution 58/316 of 1 July 2004, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report,* ***no such notification by a Member State to the General Assembly has been received****."*[2014]

In Argentina, on the same day, protestors at the port of Comodoro Rivadavia attempt to block the loading of a British flagged ship with cement for Paraguay. British flagged, but not actually British.

March 12th, visiting Chile, Foreign Office Minister, Jeremy Browne, tells reporters; *"The UK's position is very clear. We don't believe that an economic blockade to the Islands is right. ... we absolutely believe in the right for self determination ... I think the average Argentine citizen just wants a good job and a good salary to care for their families. If I were Argentine, I would be more worried about a stable economy, low inflation, and job creation than the Falklands. The majority of Argentines have never even visited, and it doesn't make a difference in their lives. ... We hope that the people of Chile, Brazil, Uruguay, and other countries see that it is not acceptable for a large and powerful country to establish blockades to attempt to hinder the quality of life of people that live on remote islands, ... We believe that the Falklands Islands are well defended. We need to defend them because of the political conflict generated by Argentina. We don't want to start a military conflict in the South Atlantic but we have learned that it's always best to be prepared, even if one hopes to be diplomatic. The people of the Falklands want to live in peace to determine their own future. ..."* [2015]

South American news agency, *MercoPress,* reports:

> *"The chairman of the Argentine Lower House Foreign Affairs Committee, Guillermo Carmona said that the recent 'Ushuaia Declaration' claiming sovereignty over the Falklands/Malvinas Islands will be posted to all Parliaments world-wide to ratify and further advance Argentina's position in the dispute. ... Last February 25, the Foreign Affairs Committees from the two houses and with members from all parties represented in the Argentine congress agreed at a special session in Ushuaia, Tierra del Fuego on a strong statement in support of Malvinas sovereignty and the government's policies. ... The lawmakers are also planning trips to Uruguay and Chile to meet with their peers."*

March 15th, in Buenos Aires, Foreign Minister Timerman accuses five oil companies involved in exploration around the Falklands of operating illegally.

In London, Britain's Foreign Office immediately refutes the suggestion; *"Hydrocarbon exploration is a legitimate commercial venture and the British government supports the rights of the Falkland Islanders to develop their hydrocarbons sector. This right is an integral part of the right of self-determination, which is expressly contained in the International Covenant on Civil and Political Rights."* [2016]

March 22nd, in letters to the New York and London Stock Exchanges, Hector Timerman announces that legal action will be taken against those companies operating 'illegally', and demands that their shareholders be informed. Similar letters are sent to the major banks and financial institutions threatening criminal liabilities for even; *"... offering their opinion, risk ratings and recommendations."* [2017]

2014 *UN Doc A/Ac.109/2012/12* p.14. My emphasis. Yet another year without any call for a UN General Assembly debate on the Falkland Islands. Any UN member State could make the call. Including Argentina. *cf.* 2004

2015 Quoted in *Mercopress* March 12, 2012

2016 *Mercopress* March 15, 2012

2017 Quoted in Willetts 2013 p.5

"Foreign Minister. Hector Timerman, has issued a list of companies that his government plans lo prosecute as part of its action plan against what it describes as, "illicit exploration and exploitation activities for hydrocarbons in the South Atlantic". All of the companies which currently hold Falkland Islands Government licences were mentioned along with some that have merely expressed interest. Next in line come the suppliers of the two oil rigs so far used, the shipping companies supplying support vessels and oil-related cargo and finally the suppliers of financial and legal services to the oil effort. The list includes some very big names like RBS, Merrill Lynch, Goldman Sachs, Credit Suisse and Standard Chartered Bank and some smaller names like local lawyers Kilmartin and Marlor." [2018]

"... the aim here is to interfere with the Falklands economy and potentially deter investment, especially in the highly emotive (and 'emotive' in the sense that if it proves 'lucrative' then Argentina fears that there will be even less hope of any change to the sovereignty equation) area of oil and gas development." [2019]

In Buenos Aires, Presidential decree 200/2012 is signed, removing the classification of the final report prepared by the *Committee for analysis and evaluation of strategic-military and political responsibilities in the South Atlantic conflict* (Rattenbach Report 1982), while Decree 431/2012 orders the release of its digitized version. [2020]

"The Rattenbach report on the performance of the Argentine armed forces during the 1982 invasion followed by the Malvinas war has been officially de-classified ... The report was ordered by the outgoing military Junta and was ready for its release before the first elected democratic government of then President Raul Alfonsin who took office in late 1983. However since some chapters were particularly damning of the ruling Junta as commanders of the conflict, allegedly it was rapidly classified and expected to be kept secret for 50 years." [2021]

"The calvi Report attributes the defeat to the islands' harsh geographical conditions, the lack of air and naval support, the meagre supply levels, the lack of mobility, and the unequal combat relationship. By highlighting "the capacity of the English tactical commanders, and the courage and training of their troops", it seeks to protect the Argentine military institution from criticism..." [2022]

March 23rd, the UK sends letters of comfort to oil companies and their associates.

"... "Argentina's authorities have no jurisdiction over these matters, and their domestic laws do not apply to the Falklands," said the letter, a copy of which was sent to Reuters by the Foreign Office. "Whilst companies involved in any relevant activity may wish to assure themselves by means of independent legal advice, the British Government is deeply sceptical that Argentina will be able to enforce any penalties in the courts of any country outside of Argentina, since to do so would be contrary to basic principles of jurisdiction," it added.." [2023]

From Stanley, the Falkland Islands Legislative Assembly write to the UN's Decolonization Committee pointing out that despite previous invitations, the Committee has never visited the archipelago nor held a regional meeting there; *"I wish to remind the Special Committee on Decolonization of the open invitation issued on 7 December 2010 and circulated at the United Nations, and repeated in my speech to the Committee on 23 June 2011, for any current or future Chairman of the Special Committee to visit our beautiful islands."* [2024]

2018 *Penguin News* March 23, 2012
2019 Dodds & Hemmings 2012
2020 See - http://www.cescem.org.ar/informe_rattenbach/comision_200_12.html
2021 *MercoPress* March 25, 2012. Not all of the original report was released, however. *cf.* December, 1982 & December, 1983. See - http://www.cescem.org.ar/informe_rattenbach/index.html
2022 *Recuperar Malvinas: Las disputas por los significados de la guerra y su tardía inclusión en el campo de los derechos humanos* Alejo Ramos Padilla 2025
2023 *Reuters* March 23, 2012
2024 Signed by Roger Edwards MLA on behalf of the Falklands' Legislative Assembly. Full letter can be found here - https://en.mercopress.com/data/docs/c24-press-release.pdf

March 24th, Argentina announces that it has commenced legal proceedings in its domestic courts against the five British oil companies operating in Falklands' waters: Argos Resources Limited, Borders & Southern Petroleum PLC, Desire Petroleum PLC, Falkland Oil and Gas Limited and Rockhopper Exploration PLC. The companies involved trade in London but Argentina also advises New York regulators, in case the companies move to list there in the future.

March 27th, in Seoul, at an international nuclear security summit, Minister Timerman complains that the UK has violated the *Tlateloco Treaty* by sending nuclear-powered submarines into the South Atlantic.[2025]

Nick Clegg, the UK's Deputy Prime Minister, who is also at the conference, responds; *"I get the impression they are keen to rattle cages in any way they can, which is unfortunate because* ***the issue of sovereignty, as far as the Falklands is concerned, is settled****."* [2026]

In Argentina, on the same day, a letter addressed to the British Prime Minister, David Cameron, is posted on the website of Argentine laureate Adolfo Perez Esquivel. This calls upon Cameron to review the British position of refusing to discuss the question of the Falklands and refers to UN resolution *2065* of 1965. [2027]

> *"We, the undersigned citizens of different countries of the world with an interest in world peace, wish to convey our concern regarding the territorial dispute between the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands. … Since 1982, the United Nations General Assembly has been adopting and reaffirming resolutions that call upon the two countries to sit down together and open a dialogue.[2028]*
>
> *Also, the United Nations Special Committee on decolonization adopts a resolution each year requesting the two Governments to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute.*[2029] *… The failure of the United Kingdom of Great Britain and Northern Ireland to comply with United Nations resolutions; its unwillingness to open a dialogue with a democratic country, Argentina, that has clearly demonstrated its commitment to peace; and the installation, maintenance and continuous reinforcement of a military base on this continent (on the Malvinas Islands) and the conduct of aerial and naval military exercises are seriously jeopardizing peace and harmony in this part of the world. We therefore request that the British Government review its position of refusing to enter into dialogue on this matter, and we reiterate our request that it comply with United Nations resolutions by opening negotiations with the Argentine Republic"* [2030]

2025 The *Treaty of Tlatelolco* is the conventional name given to the *Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean* 1967. See 1967 & 1982

2026 Quoted in Dodds 2012. My emphasis. That the sovereignty dispute has been '*settled*' was stated by Foreign Secretary Douglas Hurd in December, 1994. Repeated by both the Defence Secretary, and the Deputy Leader of the Opposition in 2016. And again in 2023 in a letter from the Foreign Secretary congratulating the new President of Argentina on his inauguration.

2027 Also signed by laureates Desmond Tutu, Rigoberta Menchu, Mairead Maguire, Jody Williams and Shirin Ebadi. UN resolution *2065* (1965) had, in fact, not featured in a UN resolution regarding the Falklands since 1985. UN General Assembly resolutions are only advisory. See April 30 below, and also the statement by UN Secretary-General Ban Ki-moon in November, 2012

2028 No UN resolutions since 1988.

2029 If a General Assembly resolution is only advisory, how much weight does a resolution of a sub-sub-committee carry when it is not recommended for adoption by the GA.

2030 *UN Doc A/66/795:Annex to the letter dated 8 May 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*.

"Tensions have been rising as the 30th anniversary approaches of the war between Britain and Argentina over the South Atlantic islands, which are referred to in Argentina as Las Malvinas. Although Argentina's April 1982 invasion was unsuccessful, Buenos Aires continues to press its claim to the islands, which are home to more than 3,000 people, most of them of British descent. The laureates' letter refers to a UN resolution of 1965 which calls on both countries to proceed without delay with negotiations to find a "peaceful solution to the problem".. ... But Cameron has repeatedly insisted that it is up to the people of the Falklands to determine their fate, not the British or Argentine government." [2031]

March 29th, Falklands Governor, Nigel Haywood, interviewed by a French news agency, reveals that there are proposals for the Islanders to hold a referendum. As for Argentina's calls for negotiations, Haywood says; *"... the world would prefer Argentina to negotiate instead of invading again, which is not the same as saying that they support the Argentine position. Argentina wants to take over a territory skipping the wishes of the local population, and then they feel surprised because PM David Cameron claims they are 'colonialists'. What is to be a colonialist if not annexing another territory against the wishes and self determination of its people? Argentina says this is part of Argentina: does it look like a part of Argentina? Does it look, as was said recently by an Argentine ambassador and a minister, that the Falklands population are hostage of the military? I don't think so,..."* [2032]

March 30th, from Montevideo, in the midst of a trade dispute with Argentina, Foreign Minister, Luis Almagro, confirms that Uruguay does not support a commercial or economic blockade of the Falkland Islands.

In Buenos Aires, on the same day, Argentina's Defence Minister, Arturo Puricelli, tells reporters that he has suspicions that the UK has nuclear weapons in the Falklands archipelago.

March 31st, South American news agency, *MercoPress,* reports;

> *''The same group of Argentine intellectuals and free thinkers that last February presented the document "Malvinas, an alternative view" in which among other things they recognize Falkland Islanders right to self determination, released a second text in which they strongly question having chosen April 2 to commemorate the Day of the Veterans and the Fallen in the Malvinas war. ...*
>
> *"As Argentines we disapprove that April 2 has been declared the 'Day of the Veterans and Fallen in the Malvinas war' as if that commemorative ephemerides could hide, through a national holiday, that it is the Malvinas cause that is being vindicated and is done as if it were a just cause but in bastard hands", points out the new document from the group of distinguished free thinkers among which Beatriz Sarlo, Santiago Kovadloff, Manuel Antín, Daniel Sabsay, Juan José Sebreli, Marcos Aguinis, Jorge Lanata, Graciela Fernández Meijide and former lawmaker Fernando Iglesias,...*
>
> *They argue that choosing April 2 is in effect "a true and clear example of the government's ambiguity referred to the war" since on the one side it execrates the dictatorship, but at the same time established the remembrance of the conflict on that day, as part of a process of justice which implies accepting (for Argentine history) as a positive episode to be rescued, no matter what the intention of the original perpetrators."*

April 1st, in Argentine newspaper *La Nacion*, historian Luis Alberto Romero questions whether Argentina really wants the Falkland Islands, when they constitute such a useful distraction from difficult domestic situations.

2031 *CNN* March 27, 2012
2032 Governor Nigel Haywood quoted in *MercoPress* March 29, 2012

In the evening, veterans of the 1982 war gather at Argentina's cenotaphs and War Memorials.

"... anniversary commemorations effectively took off on Sunday at 17:00 hours in the Patagonian cities of Ushuaia and Rio Grande with concentrations of former combatants involved in the so called "vigil" which consists in waiting for April 2, the dawn of which thirty years ago Argentine forces invaded the Falklands to 'recover' full sovereignty of the disputed Islands. The vigils not only bring together the war veterans and next of kin but thousands of people who accompany the event which includes debates, artistic presentations plus some exhibits in tents specially set up for the occasion. At midnight, at the Ushuaia Malvinas Plaza, people participate in the changing of the Argentine flag when the old one, victim of twelve months of strong wings and tough climate is replaced by a new one, usually donated by some private institution or government department. Rio Grande also participates of the vigil since it was one of the main bases for launching air attacks on the Islands and the Task Force during the 74 day conflict that ended June 14, which in the Falkland Islands is celebrated as Liberation Day." [2033]

April 2nd, in Argentina, on the 30th anniversary of the nation's invasion of the Falkland Islands in 1982, ceremonies take place throughout the country. [2034]

> *"The Argentine cause, which has been drummed into schoolchildren for generations, is odd because Argentina has no modern connection or claim to the windswept islands other than relative geographical proximity. They are about 300 miles from the southern Argentine coast, but Britain has controlled them since 1833. Their some 3,000 inhabitants overwhelmingly wish to remain British, which means that Argentine demands for "decolonization" are at odds with the principle of self-determination. Though it toyed with the idea of handing over the Falklands before the war, Britain now is firmly committed to the Falklanders' rights, and it spends about $300 million annually on their defense. The Obama administration, which unsettled London by supporting the idea of negotiations two years ago, has wisely refrained from pushing that position. ...*
>
> *Were Buenos Aires to cultivate economic and travel links to the Falklands, as it did before 1982, it could become a supplier of the growing economy there; if residents could visit and study in Argentina, they might grow more fond of the place. Better yet, Argentina could begin to attract investors to explore its own coastal waters for oil and develop its substantial shale deposits on land."* [2035]

In a speech broadcast live from Ushuaia, Argentina's President announces that she has asked the Red Cross (ICRC) to intercede with Britain so that the remains of those Argentine dead in the Falklands marked '*Known only to God*', can be finally identified. [2036]

"But not everyone in Argentina agrees with the commemoration of the invasion's anniversary. "On the one hand, the dictatorship is condemned, but on the other the war is remembered and justified in a way that implies accepting it as a positive event in our history", a group of leading intellectuals said in a statement last week. Local luminaries, from Argentina's top investigative journalist, Jorge Lanata, to important thinkers such as Beatriz Sarlo, also questioned the official events. They said the national holiday seems to condone "the painful tragedy provoked in 1982 by an unscrupulous dictatorship and exalted today by a retrograde nationalism"." [2037]

2033 *MercoPress* April 2, 2012
2034 Remembrance, commemoration or celebration?
2035 *Washington Post* April 2, 2012
2036 Letter apparently dated March 30, 2012. See June 27, 2016
2037 *MercoPress* April 2, 2012

In Buenos Aires, rioters besiege the British Embassy; *"Several hundred demonstrators pelted police officers with home-made firebombs and threw rocks and flaming bottles at the embassy as a series of events were held in Argentina ... to commemorate the 1982 conflict. Television footage showed riot police using a water cannon to disperse the group of extremists, who had earlier set fire to a union flag and an effigy of the Duke of Cambridge in protest against British rule of the islands."* [2038]

In London, Britain's Foreign Secretary, William Hague, tells reporters; *"Today's anniversary of the start of that conflict marks a day for commemoration and reflection, especially for those families – on both sides – whose loved ones were lost to its battles, including many Argentine soldiers who also rest in peace on the Islands."* [2039]

Prime Minister David Cameron is reported as saying that the British can be rightly proud of of the role played in righting a "*profound wrong*" in 1982.

April 3rd, the Falkland islands Government issue a press statement. [2040]

> *"Member of the Legislative Assembly Sharon Halford today announced that the Falkland Islands Government had invited the UN Decolonization Committee (the C24) to hold its Regional Seminar in the Falkland Islands this year. MLA Halford said the MLA's had just heard that the invitation had not been accepted.*
>
> *MLA Halford said: "We are disappointed that our invitation was not accepted. It is our firm belief that the only way for anyone truly to know the Islands – and to know the facts behind our lives and our situation – is to visit our home. We offered to host the regional seminar and at the same time we repeated our invitation for any current or future Chair to visit the Islands. We also said that we would welcome the Committee sending a fact finding mission to the Islands. We hope that one or more of these things will one day take place – these offers remain on the table and we hope that some sort of visit in the future will then be used as a basis for the Committee's discussions"."*

From Argentina, responding to the British Prime Minister's comments of April 2nd, Argentina's Foreign Ministry accuses the UK of "*persisting with colonialism*". They also assert; *"A profound error was expelling the Argentine population from the Malvinas Islands in 1833, violating rights that the Prime Minister says he defends, and implanting, under a forced colonialist plan a British population. ... It is also surprising the praise that David Cameron makes of a war adventure that started in 1833 with the invasion of a part of Argentina, this can only be expected from dictatorships and empires. Democracies such as Argentina's enshrine peace, negotiations, International law and diplomacy ... we invite the Primer Minister to reflect on these principles and to abandon any temptation to use this just Argentine cause for an ephemeral political benefit."* [2041]

April 4th, the Falkland Islands Government responds to the Perez Esquivel letter, with one of their own.

> *"An Open Letter to Adolfo Pérez Esquivel, Mairead Corrigan Maguire, Rigoberta Menchu Tum, Desmond Tutu, Jody Williams, Shirin Ebadi and Leymah Gbowee.*
>
> *I am writing with regard to your and colleagues' letter to David Cameron, dated 28th March 2012, in which you call for the UK Government to open negotiations with Argentina over sovereignty of our home and people. It is deeply disappointing that, as someone who has been recognised and celebrated as a champion of human rights, you appear to have overlooked the rights of the people most affected by this issue, the Falkland Islanders themselves.*

2038 *The Guardian* April 3, 2012
2039 Quoted in *MercoPress* April 2, 2012
2040 See - https://en.mercopress.com/data/docs/c24-press-release.pdf
2041 Quoted in *MercoPress* April 4, 2012

Your letter focuses on United Nations Resolution 2065 (XX) of 16 December 1965, which calls on Argentina and Britain to seek a peaceful solution to the Falklands issue within the framework of UN Resolution 1514 (XV) of 14 December 1960. However, your letter omits mention of Argentina's far from peaceful attempt to force a solution in 1982, when they illegally invaded our home, resulting in the deaths of nearly 1000 people.

Your letter also omits mention of the first two sections of Resolution 1514 (XV), which read as follows:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of World peace and cooperation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

This is important on two fronts – firstly, our fundamental right to self-determination, as enshrined in the UN Charter and referenced in Resolution 1514, is what we have exercised in choosing to retain our relationship with Britain as an Overseas Territory. We are not subjugated by Britain: we are entirely self-governing, except for defense and foreign affairs. We democratically elect our Legislative Assembly Members; they are chosen by the people of the Falkland Islands to represent them and to determine and administer our own policies and legislation. Secondly, as a community whose ancestry, history and cultural identity has been linked to Britain for nearly 200 years, we would consider any control by Argentina as alien, and therefore a denial of our rights as a people. Whilst the Argentine Government's calls for negotiations with the UK may seem benign, and a rational way to end any dispute, it should be noted that the Argentine Constitution as amended in 1994 allows for nothing but full Argentine sovereignty over our home. As a result, there can be no negotiation on this issue, as Argentina already has a predetermined outcome in mind - this is no basis for discussion. As far as we are concerned, sovereignty is not up for discussion. On all other fronts, we want nothing more than to have a relationship of cooperation for mutual benefit, with Argentina and all of our neighbors. Argentina were working towards a relationship of cooperation in the 1990s, and we entered into Joint Statements in 1990, 1995 and 1999 to co-operate in a number of areas, including hydrocarbons exploration, sustainable management of fish stocks and transportation links. However, cooperation has proved impossible in recent years. Despite the Falkland Islands upholding its side of the agreements, Argentina has unilaterally withdrawn from almost every element.

More recent Argentine actions - such as attempts to ban our ships from entering South American ports, Decree 256 which seeks to restrict innocent passage of vessels transiting to and from the Falkland Islands, the banning of charter flights in support of our tourism industry, laws taking sanctions against companies involved in peaceful commerce in both countries - all point to a desire by Argentina to frustrate our international trade and an attempt to isolate us. We live under constant threat and harassment from Argentina, and are currently experiencing its attempts at an economic blockade. We would ask that our rights, our points of view, and above all our wishes are respected and considered as enshrined in the UN Charter.

The Falkland Islanders are a peaceful, hard working and resilient people. Our society is thriving and forward looking. All we ask is to be left in peace to choose our own future, and responsibly develop our home for our children and generations to come. We would strongly encourage you to come and visit our home, and to see for yourself our community and our heritage born of nine generations before supporting negotiations that do not take account of our right of self-determination, thus helping

Argentina to justify its politically and economically aggressive actions against our home and people. We would be happy to host you at a time of your convenience and arrange a program to enable you to meet our people and explore our Islands." [2042]

April 9th, Britain's *Financial Times* newspaper reports that the UK is still owed £45 million by Argentina from a loan in 1979 that Buenos Aires used, in part, to buy weapons from Britain.

April 10th, Argentina's Ambassador to the USA, responds to the *Washington Post* editorial of April 2nd.

"Contrary to what the April 3 (sic) editorial "A war's anniversary" argued, the 1982 war between Britain and Argentina did Argentina no good. It added nearly 700 casualties to the darkest and bloodiest period in our history.

The conflict only postponed the inevitable fall of the dictatorship. Further, there can be no comparison between this last-ditch effort of the dictatorship and the current state policies of a democratic country, which are supported by all parties and based on creating the political conditions to peacefully discuss the sovereignty dispute over the islands.

How can The Post argue that an illegal occupation of the Malvinas Islands has become a legal possession because it has persisted for two centuries, by force, with inhabitants "established" by the usurper country? Has the United Nations been mistaken in its many resolutions over decades calling for Argentina and Britain to negotiate on their dispute over the Malvinas? In 1966, Great Britain leased the island of Diego Garcia to the United States. To do this, the British displaced the island's entire population. Was this self-determination for the islanders? No, Britain no longer needed them.

It is Argentina that respects the interests of the inhabitants of the Malvinas, as enshrined in the Constitution of 1994. As our President (Cristina Fernandez) said in her April 2 speech: "We are not here to commemorate war". Not only have 30 years passed since the war, but there also have been 179 years of British occupation. Today, only the truth should be told." [2043]

"In his April 10 letter ["There's nothing legal about Britain's possession of the Malvinas"], my Argentine colleague, Ambassador Jorge Argüello, misrepresented history, the relationship between Great Britain and Argentina, and the fundamental principles of the United Nations. British possession of the Falklands began in 1765 and led to the establishment of settlements over the next half-century before the state of Argentina even existed. The only Argentine presence was a brief military occupation in 1832, which British forces removed the following year. No civilians were expelled, and the population of 30 or so civilians chose to stay under British rule. In 1850, Britain and Argentina signed an agreement settling their outstanding differences. For Argentine spokesmen to speak today of "illegal occupation" is to disregard past history, present reality and international law. The descendents of the original settlers and those who have joined them since remain British because that is their wish, exercised under the principle of self-determination enshrined in the charter of the United Nations. Britain cannot and will not enter into negotiations over sovereignty unless and until that is the wish of the Falkland Islanders. As British Foreign Secretary William Hague put it recently, "If anniversaries provide moments for reflection, it is surely time to reflect on how we can all work together in our common interest in the years ahead". Britain looks forward to doing so with Argentina in a dialogue that accepts the facts of history and acknowledges the express will of the Falkland Islanders." [2044]

2042 Quoted in *MercoPress* April 4, 2012
2043 Jorge Argüello quoted in *MercoPress* April 19, 2012. The truth, would indeed, be a dramatic change for Argentina.
2044 British Ambassador to the USA, Peter Westmacott, quoted in *MercoPress* April 19, 2012

April 14th – 15th, in Cartagena de Indias, Colombia, the *Sixth Summit of the Americas* is held.

"Argentine President Cristina Fernández left the 6th Summit of the Americas held in Cartagena de Indias, Colombia, before the official closing meeting allegedly in protest against a lack of regional support for Argentina's claims in the Falklands/Malvinas dispute with the UK. The president attended the official closing photo session of the summit with the other heads of state still present at the meeting, (only) to then rapidly abandon the facilities and head to the international airport." [2045]

April 15th, in the Falklands, census night reveals that there is a resident population of 2,931 people.

"There has been a decrease of four percent in the Falklands population since 2006 according to the results of the April 15, census. The normal resident population of the Falkland Islands on census day was 2,841 and the decline is entirely attributable to the decrease in the number of civilian contractors at Mount Pleasant Airfield (MPA) according to accompanying notes. As non-residents, military personnel are not included in the census. Excluding contractors at MPA. the true population figure of the Falkland Islands is 2,563; indicating that the population has remained static since 2006. Stanley is now home to 2,121 people, 75 per cent of the population, an increase of less than one per cent since 2006. The population in Camp has declined by 3.3 per cent to 351 people. The census show's that 59 per cent of residents consider their national identity to be 'Falkland Islander'. 29 per cent consider themselves British; 9.8 percent St Helenian, and 5.4 per cent Chilean." [2046]

April 23rd, in London, Argentina's Ambassador, Alicia Castro, raises her country's proposal to establish *Aerolineas Argentinas* flights between the Falklands and Buenos Aires. [2047]

"According to an official communique, the Argentine proposal to resume direct flights between Argentina's main land and the Falklands, "marks an opportunity to enhance the islanders' quality MLA Summers of life and their communications capabilities". … no direct approach has been made to the Falkland Islands Government although the consent of the Civil Aviation Department would be required for any such flights as proposed. In the wake of Mrs Kirchner's March 1 speech. MLA Roger Edwards said, "it is difficult not to be sceptical of any proposal that would in effect give Argentina control over access to our home". A similarly robust rejection was made by MLA Sharon Halford on Wednesday. Speaking on the Argentine Radio Mitre station. Mrs Halford said that the flights offered were unnecessary and that she found the offer itself rather strange while Argentina continued to ban charter flights to the Falkland Islands." [2048]

In Brussels, on the same day, representatives of the Falklands Fishing companies attend the 20th European Seafood Exhibition.

April 25th, from Buenos Aires, Argentina's National Securities Commission announces that it will inform the UK's regulatory authorities of the legal actions it intends to take against oil companies "*illegally operating in the Malvinas islands.*"

"The announcement follows a warning from the Argentine Foreign Affairs ministry released Wednesday saying it will press charges against the oil companies operating in the South Atlantic unless they justify their actions before next Wednesday May 2. Likewise it recalls that in 2001 CNV signed a collaboration agreement with the UK Financial Services Authority and the British Treasury with the purpose of "protecting investments and contributing to the integrity of securities markets". To that effect CNV said it will inform its peers that the Argentine Foreign Affairs ministry has sent letters to the London and New York Stock Exchanges requesting

2045 *MercoPress* April 15, 2012
2046 *Penguin News* September 14, 2012. See - https://falklandstimeline.files.wordpress.com/2018/01/2012-census.pdf
2047 See June 6, 2012 below
2048 *Penguin News* April 27, 2012

that those oil companies report to the market and investors of the legal risks involved is they go ahead with their operations." [2049]

April 27th - 29th, in the UK, a three-day conference at Kent University to mark the 30 years since the Argentine invasion of the Falklands, is attended by three former Governors and a number of academics and politicians. [2050]

"Doctor Celia Szusterman, an Argentine with British citizenship, spoke about "monitoring the struggle for the Malvinas and its role in Argentine life". Her criticism of the Falkland Islanders for what she regarded as a biased account of the sovereignty dispute went unchallenged with no mention of Argentina's distorted version. She made the bizarre claim that if the Argentines had won, the consequence would have been invasion by Guatemala of the other former British colony, Belize, which was strongly defended by British infantry, artillery and Harrier aircraft. She ignored what Argentina said it would have definitely done - invade Chile so creating a much wider regional war." [2051]

April 30th, in the UK, Argentine Ambassador Alicia Castro 'ambushes' Foreign Secretary William Hague at a public meeting, demanding that he initiate negotiations with Argentina over the Falklands.

" According to a report from The Daily Telegraph with great echo in the Argentine media, the incident took place during the launching by Foreign Secretary Hague of Britain's annual world review of human rights at a ceremony attended by diplomats, journalists and rights activists in the opulent surroundings of Lancaster House in London. "Seeing that the United Nations and the international community and a large group of Nobel Prize winners urge both countries to (start) negotiations in order to find a pacific and permanent resolution, my question is: Are you ready for dialogue? Are we going to give peace a chance?" she asked as Hague took questions from the audience. A flustered Mr Hague, sensing that Ms Castro was about to make a long statement, interrupted her several times, pressing her to ask a question before cutting her short with: "Thank you. That's enough. Stop". Following the presentation and asked by the media if she intended to make a habit of appearing at Hague's public events to ask him about the Falklands, Castro laughed and said: "You wait and see". The incident continued with Hague answering Ambassador Castro that "self-determination is a basic political right of the people of the Falkland Islands ... You can count on us always, permanently, to stand by that right". Ambassador Castro later said Foreign Secretary Hague had not answered her question." [2052]

"... there's nothing new to be said. Islanders have the right of self determination; they have the right to decide their own future and not the Argentines ." [2053]

From Argentina, Nobel Peace Prize winner Perez Esquivel, takes his letter to London to demand that talks recommence over the sovereignty of the Falklands. PM David Cameron declines to meet him.

"Since Perez Esquivel was not received by PM Cameron, speaking to the London media he expressed concern with the official "no dialogue" attitude and pointed out that the letter was not an initiative against the British government, but rather a campaign to throw down the walls of intolerance." [2054]

2049 *MercoPress* April 27, 2012

2050 Governors Alan Huckle, David Ratham and Howard Pearce. Academics included Sir Lawrence Freedman and Klaus Dodds. Secretary of State for Defence in 1982, John Nott spoke. Also in attendance were Falklands Director of Broadcasting Patrick Watts, Falklands Representative Sukey Cameron and former BBC Broadcaster Harold Briley.

2051 *University anniversary focus on Falklands* Harold Briley OBE in *MercoPress* April 30, 2012

2052 *Mercopress* May 2, 2012

2053 Foreign Office spokesman speaking to the press after the incident, quoted in *MercoPress* May 3, 2012.

2054 *MercoPress* May 2, 2012.

*"... we met Alicia Castro, Argentine ambassador to Great Britain, we talked to her and explained that we were carrying a letter to deliver to British Prime Minister David Cameron, who refused to receive me. So we were with **Jeremy Corbyn** in the Parliament of London, to whom I handed over the letter. Corbyn is a man of dialogue."* [2055]

May 2nd, Argentine television airs a 90 second spot showing one of its athletes, Fernando Zylberberg, exercising in the Falklands under the title *"To compete on English soil, we train on Argentine soil."* A reference to the forthcoming London Olympic Games. [2056]

"The controversial advert that showed an Argentine hockey player training for the Olympics in the Falkland Islands has been condemned by the International Olympic Committee, the British Government and the Falkland Islands Government. The International Olympic Committee denounced the advert this week saying the Olympics should not be a forum for political issues and. "the IOC regrets any attempts to use the spotlight of the games for that end. The IOC has always striven to separate sport from politics and honour the spirit of the games and all those who take pan". ... The advertising agency that created it. Young & Rubicam. has apologised for the making of the advert by its branch in Argentina, saying the spot was deeply offensive to people around the world and to the Olympic spirit: "We strongly condemn this work and have asked the Argentine government to pull the spot". Despite the condemnation, the Argentine Government continues to air the advert." [2057]

"Hitler exploited the Olympics. Argentina's cynical and infantile exploitation of the Olympic Games for political purposes is a reminder, if any is needed, of its persistent failure to abide by accepted standards of honesty and decency. The whole episode demonstrates again just how untrustworthy and deceitful Argentine governments can be. Argentina's own Olympic competitors say it has been damaging to their morale, already deflated by their government's import restrictions forcing customs delay in releasing equipment they need. The President's ploy is counterproductive and aids the Falklands' cause. It is an affront to thousands of athletes who compete in the spirit of the Olympics and in the belief that politics have no part in sport. ... Its conduct illustrates that it has not grown up as a nation." [2058]

May 9th, from Uruguay, South American news agency, *MercoPress,* reports:

> *"British relations in South America could falter if the UK Government refuses to hold talks on the Falkland Islands sovereignty with Argentina, the country's ambassador to London said this week. Alicia Castro tried to pull Argentina's immediate neighbours into the dispute, claiming UK diplomatic and business relations could be damaged since the Malvinas has become a regional cause.*
>
> *She added the Malvinas would be better off if they cut their ties with the UK. Describing the Falklands as a "colonial enclave", Ms Castro said her government would send teachers to the Islands to teach*

2055 Adolfo Pérez Esquivel in *Malvinas: Una Cause Regional Justa* 2020 (CLACSO) p.201. My emphasis. Jeremy Corbyn, a socialist MP in the British Labour Party (since ejected) was a personal friend of Ambassador Alicia Castro with who he shared a political perspective.

2056 Zylberberg was subsequently dropped from Argentina's Olympic hockey team.

2057 *Penguin News* May 11, 2012.

2058 *As in Hitler's time, the Olympic spirit exploited for political purposes* Harold Briley in *MercoPress* May 11, 2012

Spanish, while it also wanted to re-establish direct flights between the Falklands and the mainland. She told Dermot Murnaghan on Sky News that Argentina "did not want to change the way of life" on the Falklands, insisting the Islands had to be "given back to Latin America as a whole". ...

Ms Castro said: "Is it rational that a small community, in the name of very particular wishes and interests, are against any dialogue? Does it make sense, since they are not regarding the interests of the 60 million British people, they are not regarding the interests of the 40 million people in Argentina and they are not regarding their best interests, which would no doubt be better preserved if they were linked to the continent? It's not an Argentine cause, it's a regional cause. The UK not wanting to have a proper dialogue with Argentina, it's (turning) its back on Latin America as a whole. If it's true that Britain wants to improve its relations with Latin America, they (the British Government) have to settle this dispute".''

May 15th, in New York, Argentina protests to the UN Secretary-General; *"I have the honour to refer to the national report submitted by the United Kingdom of Great Britain and Northern Ireland in connection with the universal periodic review (A/HRC/WG.6/13/GBR/1). In paragraph 140 of that report, which refers to overseas territories, mention is made of the Malvinas. ...the Government of Argentina objects to the inclusion of the Malvinas in paragraph 140 of the national report of the United Kingdom as a purported overseas territory, which is invalid since they are a part of Argentine territory, and to the pretension of issuing laws, such as the Constitution referred to therein, that would be applicable to the Malvinas."* [2059]

In Geneva, on the same day, Argentina's Vice President, Amado Boudou, calls for a '*concrete*' response to his country's request for the International Red Cross (ICRC) to collaborate with the identification of unknown combatants buried at the Argentine Military Cemetery in the Falklands.

May 17th, in the UK, at a conference hosted by the London School of Economics, former British Ambassador to Argentina, John Hughes, says that there is no point in negotiating with Argentine over the Falklands as the Argentine 1994 Constitution will accept only one result. Argentina's Ambassador, also attending, describes this as a "*coarse excuse*".

"Argentine ambassador in the UK Alicia Castro argued that Argentina was willing to undertake a constitutional reform to incorporate the result of a possible negotiation with the UK on the Malvinas Islands sovereignty and assured a Foreign Office official that she has "instructions to open the dialogue" even when it does not end in the terms established in the current (1994) constitution. ... In his (John Hughes) speech he argued that the Argentine constitution text is a serious obstacle for dialogue because it leaves the UK "not before a negotiation in which all can be discussed, but before a capitulation". Ambassador Castro replicated that "to argue that the 1994 constitution impedes opening negotiations is no more than a coarse excuse not to sit to discuss. When negotiations take place and international treaties are signed, the involved countries modify their domestic legislation to incorporate them. Argentina is willing to do that". The Argentine constitution stipulates that the recovery of the Malvinas constitutes "a standing and unrenounceable objective of the Argentine people". The issue was reiterated by the Deputy Chief of the FCO Overseas Territory, Martin Longden. During a brief intervention when the audience was allowed to pose written questions, he asked "if Argentina contemplated, in theory, a negotiation process that could end in something that does not mean cession of sovereignty". The question caught Ms Castro by surprise ..."I'm not here to speculate" said the Argentine ambassador with a smile. "As all diplomats I follow orders. I have been given instructions to say that we want to open the dialogue".'' [2060]

2059 *UN Doc A/HRC/20/G/1*
2060 *La Nacion* May 19, 2012

In the Falklands, 370 hectares of Stanley Common are declared mine free by bomb disposal experts.

May 20th, the *Guardian* newspaper reports:

> *"A national memorial to the 255 British soldiers, sailors and airmen killed during the Falklands war was unveiled on Sunday in the presence of relatives of those who died. The emotional service at the National Memorial Arboretum in Staffordshire was attended by hundreds of current and former service personnel and their families. The ceremony ended with a fly-past by a Vulcan bomber and three military helicopters. The Vulcan, flown by the flight lieutenant who led the famous raid on Port Stanley's runway, twice passed over the memorial to commemorate those who fell during the south Atlantic campaign."*

May 23rd, in Stanley, during his annual speech to the Legislative Assembly, Governor Nigel Haywood assures the Islanders that the local economy was doing well and; "*booming with significant government surplus*."

May 25th, in Alrewas, Staffordshire, visiting the National Memorial Arboretum, Prime Minister David Cameron lays a wreath at the Falklands memorial.

May 30th, in Quito, Ecuador, MLA Roger Edwards attends the UN Special Committee on Decolonization's Regional Seminar.

"The Falklands representative made a detailed account of the transformation of the Islands into a prosperous dynamic community, self sufficient with a sound economy based on fisheries, tourism and agriculture efficiently managed which has enabled the local treasury to accumulate sufficient reserves and deliver excellent education and health services to the Islanders, plus enviable infrastructure. This has been accompanied by a new and very much post colonial constitution which is reflected in the fact that "we pass our own Legislation, issue our own licences and have our own environmental controls. We are internally totally self-governing" and self financed. "We receive no aid from, nor pay any taxes to the UK, relying on our sovereign power only to provide advice on foreign affairs and defence, which would not be necessary it not for the belligerent stance taken by our nearest neighbour". ... Finally in his closing words MLA Rogers (sic) said that before concluding, "may I be as bold as to remind this Special Committee of the plea by the Secretary General of the United Nations on 23rd February this year "to make tangible progress in assisting those territories to achieve self-determination"." [2061]

June 4th, Argentina claims UK oil listed companies operating within Falklands waters are doing so illegally.

"The companies' activities "proved to be illegal and clandestine, as they're taking place in a sovereign area of the Argentine nation and as such fall within its specified laws and rules", said the official website from the Ministry of Foreign Affairs. The government of President Cristina Fernandez announced in mid-March that it would seek civil and criminal legal action against the companies at the heart of the accusations. Energy Secretary Daniel Cameron published five resolutions in Argentina's Official Bulletin declaring activities by the companies "illegal" and "clandestine" and underlining they "are not authorised by the Argentine government under law 17.319 on hydrocarbons". The five companies involved are Desire Petroleum PLC; Rockhopper

2061 *MercoPress* May 31, 2012.

Exploration PLC; Argos Resources Ltd.; Borders & Southern Petroleum PLC and Falkland Oil & Gas Ltd, (which) don't have "the permits and approvals to conduct offshore exploration in Argentine waters". "The declaration of clandestineness clears the way for the immediate launch of civil and criminal action against these businesses", said the Foreign Ministry statement that spoke of seeking fines and penalties because of "customs and fiscal crimes"." [2062]

June 6th, from Stanley, on being informed of Ambassador Castro's April 23rd proposals to discuss flights and fishing, the Falklands Government writes to the Foreign Office agreeing to hold talks with Argentina. [2063]

June 7th, in London, Britain's Foreign Office pass on the Legislative Assembly's agreement to talk to Ambassador Castro.

"You will see that the Falkland Islands Government welcomes any genuine initiative that helps restore a spirit of co-operation between Argentina and the Falkland Islands... the Falkland Islands Government is content to explore flights issues with the Government of Argentina..." [2064]

June 10th, In Buenos Aires, on Argentina's "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.", the government ratify their claim; questioning the UK's *"illegal exploitation of their natural resources".*

June 11th, in Stanley, Foreign Minister Jeremy Browne arrives for the 30th anniversary of the end of 1982's War.

> *"As long as you wish to maintain your links to Britain we will protect your right to do so ..."*

In New York, on the same day, the UN's Special Committee on Decolonization commences its 2012 consideration of decolonization issue.

"The UN Special Committee on Decolonisation launched on Monday a new round of sessions with much attention focused on the Falklands/Malvinas dispute since Argentine president Cristina Fernandez next Thursday will become the first head of state to address the C24. "It's historic, it's the first time the committee will be receiving a head of state and we are honoured it will be President Cristina Fernandez" said the Ecuadorian ambassador Diego Morejon-Pazmiño who chairs the special committee. "Both countries as requested by over 40 UN resolutions should sit to discuss the issue which is ***not exactly over decolonization, but rather over sovereignty****" said Morejon-Pazmiño who emphasized that the main purpose of the committee is "for both sides to negotiate in a most peaceful way". The Ecuadorian ambassador regretted the "lack of will" from the UK to negotiate, (there will be no British special representative at the session), but there will be members from the Falkland Islands elected Legislative Assembly, and a delegation of young Islanders born after the conflict, who argue "there is not much debate, since the Falklands are British".*"[2065]

2062 *MercoPress* June 4, 2012.

2063 Full letter here - https://en.mercopress.com/data/docs/fig-letter-flightsand-fisheries.pdf

2064 Link above.

2065 *MercoPress* June 12, 2012.According to its own website - "*In accordance with GA resolution 1654 (XVI), the C-24 was mandated to (i) examine the application of the Declaration on the Granting of Independence to Colonial Countries and Peoples (GA resolution 1514 (XV)of 14 December 1960, ...) and (ii) to make suggestions and recommendations on the progress and extent of the implementation of the Declaration."* If the matter is not one of decolonization, then it does not fall within the committee's remit and the Islands should be de-listed as a NSGT. The fact that the Falklands are listed, is evidence that they are a territory subject to decolonization and its ancillary right of self-determination. Sovereignty is not a subject for the C24. Indeed, the UN itself has no power to consider issues of sovereignty without the express permission of the parties involved.

June 12th, from Stanley, the Falkland Islands' Government (FIG) announce that they will hold a referendum in 2013. MLA Gavin Short makes a statement;

> *"We have thought carefully about how to convey a strong message to the outside world that expresses the views of the Falklands people in a clear, democratic and incontestable way... The Argentine government deploys misleading rhetoric that wrongly implies that we have no strong views or even that we are being held hostage by the UK military. This is simply absurd."* [2066]

"The Member States of the United Nations shall recognize and promote the realization of this right of self-determination of the peoples of Non-Self-Governing and Trust Territories who are under their administration and shall facilitate the exercise of this right by the peoples of such Territories according to the principles and spirit of the Charter of the United Nations in regard to each Territory and to the ***freely expressed wishes*** *of the peoples concerned, the wishes of the people being* ***ascertained through plebiscites*** *or other recognised democratic means, preferably under the auspices of the United Nations;..."* [2067]

"Although the Charter of the United Nations does not explicitly impose on the administering Power the duty to consult the people of a Non-Self-Governing Territory when the matter at issue directly concerns that people,... the jurisprudence of the Court shows that such a duty does exist in international law..." [2068]

"We have decided, with the full support of the British Government, to hold a referendum on the Falkland Islands to eliminate any possible doubt about our wishes." [2069]

"Two factors created a consensus to go ahead with the announcement in 2012. Firstly, the MLAs travelling overseas found they were regularly challenged: how could they be certain that Islanders were so united in resisting Argentine claims. A referendum was the obvious way to answer such challenges and the most dramatic way to claim the right to self-determination. Secondly, as pressure from Argentina increased, it seemed more appropriate "to fight back with truth rather than fiction" and the MLAs all agreed a referendum would be their way of asserting their right to be heard." [2070]

"To say it frankly, I think the idea of dedicating ourselves to gaining the trust of the islanders is nothing more than an illusion. Their repeated expressions of inconsideration and pride towards Argentina will only change the day they feel they need us desperately. In the meantime, they will reject what they think damages their connection to the United Kingdom. Also, they play their personal interests." [2071]

"Remarkably, the official announcement of the referendum was made in Stanley in June 2012 as the liberal-democrat Minister of State, Jimmy Browne, was visiting the island to commemorate the end of the 1982 war."[2072]

"... the call for a referendum was made in violation of international law and UN General Assembly Resolution 2065, ..." [2073]

2066 *Daily Telegraph* June 12, 2012

2067 UN *Resolution 637 (VII)* of 1952. My emphasis. See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/637(VII)

2068 *ICJ Reports of Judgments, Advisory Opinions and Orders Concerning East Timor (Portugal v. Australia) 30 June 1995 p.102 para.29.* Separate opinion of Judge Vereshchetin.

2069 *Penguin News* June 14, 2012

2070 Willetts 2013 p.5. Quote from *Daily Telegraph* March 8, 2013. *cf.* 1953

2071 Berasategui 2013. Berasategui was a retired Argentine diplomat.

2072 *Self-determination, sovereignty disputes and dependent territories: An analysis of the 2013 referendum in the Falkland Islands* Marc Fourches 2017

2073 Romero 2020. No supporting evidence as regards international law. There was nothing in UN resolution *2065* of 1965 that prohibited a referendum.

"The 2013 referendum was not designed to tease out facets of national identity or even realize hopes for a clear political future. The FIG planned the vote as a public mandate that could be used as a diplomatic tool to affirm British sovereignty in response to constant pressure from Argentina." [2074]

June 13th, from Uruguay, South American news agency, *MercoPress,* reports:

> *"Argentine ruling coalition lawmakers rejected point blank the referendum on the Falkland Islands' political status announced for 2013 by the Falklands elected government, and claimed it was a media stunt to distract attention from Argentine president Cristina Fernandez presentation before the UN Decolonization committee. "This has no value at all since Argentina rejects the possibility of self-determination for an implanted population, such is the implanted British population in the Malvinas", said Guillermo Carmona, chair of Argentina's Lower House Foreign Affairs Committee. …*
>
> *Daniel Filmus, chair of the Argentine Senate Foreign Affairs committee said that the so called referendum announced in Malvinas "does not change at all the Argentine position. For Argentina the decision to hold a referendum does not change the position of our country which has always been based on the UN resolutions, indicating that sovereignty negotiations must always be resolved through bilateral negotiations with the UK",...*
>
> *Filmus said that "there is no doubt about the British identity" of the Islanders and argued that Tuesday's announcement "attempts a weak reply to the successes of Argentine diplomacy in all international forums".''* [2075]

In the UK, on the same day, the *Guardian* newspaper publishes a letter from MLA Gavin Short.

> *"The Argentinian government repeatedly deploys misleading rhetoric that implies either that we have no strong views about our future, or that we are somehow kept here against our will. This is completely absurd. In the next few months the world will see unequivocally the strength of feeling that Falkland Islanders have regarding their political future. This week, the 30th anniversary of our liberation, is clearly a very significant time for Falkland Islanders. The restoration of our liberty 30 years ago gave us the freedom to determine our own political future. It is therefore especially fitting that we announced this week our intention to hold a referendum on the political status of the Falkland Islands."* [2076]

In London, also on the same day, the South Atlantic Council circulate a proposal – *Distributed Sovereignty and the Falkland Islands (Malvinas) Dispute*; *"These specific ideas are not offered as the basis for a permanent settlement of the dispute, but they do show how distributed sovereignty can promote a new, more complex, governance system for the Islands, if the three parties eventually become willing to discuss a settlement of the dispute."* [2077]

*S*peaking in Parliament, Minister David Lidington informs the Commons.

> *"I wish to inform the House that the Government of the Falkland Islands announced their intention yesterday to hold a referendum on the political status of the islands. This decision, which was taken by the Falkland Islanders themselves through their elected representatives, has the full support of the British Government.*

2074 *Salvaging Empire: Sovereignty, Natural Resources, and Environmental Science in the South Atlantic* J.J.A. Blair 2023
2075 *MercoPress* June 13, 2012.Quite what success Filmus was referring to, was not clear. Nothing had changed.
2076 See - https://www.theguardian.com/commentisfree/2012/jun/13/falkland-islanders-right-decide-fate
2077 South Atlantic Council Press Release. Document can be found here - https://falklandstimeline.files.wordpress.com/2022/09/distributed-sovereignty-by-peter-willetts-june-2012.pdf

The referendum will be organised by the Falkland Islands Government and will take place in the first half of 2013. Independent international observers will be invited to observe the process. … the islanders have often been surprised by the lack of understanding about their wishes and their outlook on life.

It is because of this that the islanders have decided to hold a referendum to eliminate any possible doubt in the eyes of the world as to what future they want. That will provide a legal, fair and decisive means for the people of the Falkland Islands to express their views." [2078]

Prime Minister Cameron praises the planned referendum.

"… the Falkland Islanders have decided that they are going to hold a referendum to demonstrate that they believe in self-determination and I think it's so important, because Argentina is continually trying to hide this argument and pretend the views of the Falkland Islanders don't matter, and they do matter. I hope the Falkland Islanders will speak loudly and clearly and Argentina will listen." [2079]

June 14th, Britain and the Falkland Islands mark the 30th anniversary of the end of the Falklands war in 1982. The Falkland Islands flag flies above the Prime Minister's official residence at 10 Downing Street.

"It is difficult to put into words the significance the 14th June has for the people of the Falkland Islands. It is our most important and significant day of the year. The sacrifice made by the British Armed Forces is never far from our minds on any given day but the 14th June allows us to remember, commemorate and reflect as a whole community. …

The small two bedroom stone cottage I live in housed my mother, father, grandfather, grandmother, uncle, great aunt and two close family friends for the duration of the conflict. The stone cottage with its thick walls provided some protection from the horrors outside. I have often looked through my father's photographs and listened to the recordings of the shooting, shelling and yelling taken during the 74 days of invasion.

All of which are truly shocking. I am incredibly proud of what Falkland Islanders have achieved particularly since 1982, the Falklands is an incredible place and truly unique." [2080]

In New York, at the United Nations, following a specific request from Argentina's President, the Special Committee on Decolonization rearranges its schedule to consider the Falklands NSGT on the 30th anniversary of Argentina's surrender in 1982. Argentina's President, Cristina Fernandez de Kirchner, attends the hearing with an entourage of 90 Argentine diplomats. [2081]

"It's very sad that this year the Argentines for obviously purely domestic political reasons have hyped up the rhetoric in a massive way and are using every opportunity to try to internationalize the issue and get support from the regional organizations and make a song and dance at the UN." [2082]

2078 *Hansard, Commons 13 June 2012, Commons Chamber vol.546*

2079 Reported in *MercoPress* June 14, 2012.

2080 Islander Roxanne King quoted in *MercoPress* June 14, 2012

2081 *UN Docs A/Ac.109/2012/SR.4: Summary record of the 4th meeting held at Headquarters, New York, on Thursday, 14 June 2012, at 3 p.m and UN Docs A/Ac.109/2012/SR.5: Summary record of the 4th meeting held at Headquarters, New York, on Friday, 15 June 2012, at 10 a.m*. Once again, clear evidence of the bias of the Special Committee towards Argentina. Hardly surprising then that the Islanders' representatives get the impression that they are not being listened to. I can find no other example of a leader of any nation directly addressing the Special Committee.

2082 Ambassador Lyall Grant quoted by *MercoPress* June 14, 2012

Representing the people of the Falkland Islands are MLAs Edwards and Summers. MLA Edwards tells the *Committee* that; *"Unfortunately, the current Argentine Government persisted in its attempt to deny the people on the Falkland Islands their democratic rights and subject them to alien domination. It was incomprehensible that the Argentine Government could absolve itself from its recent past while seeking to punish a small and peaceful people for something that Argentina incorrectly claimed had happened almost two centuries earlier. Contrary to the Argentine Government's allegations, Argentines were able to visit and had settled in the Islands. In a manner symptomatic of its hypocrisy, Argentina claimed to fight for human rights and United Nations resolutions, even as it ignored the rights of the Falkland Islanders and the principle of respect for self-determination enshrined in the Charter of the United Nations."*

MLA Summers adds that; *"... he was pleased to make the case for the Falkland Islands once again, yet dismayed that it should still be necessary to do so, when the people of the Islands had so clearly expressed their wish to retain their current political arrangements ... . Argentina was pursuing its unwelcome and unsubstantiated claim on the Falkland Islands with increasing vigour, arguing, incorrectly, that the United Nations had ruled out self-determination as applying to the Falkland Islanders, even as General Assembly resolution 1514 (XV) protected that right. Despite Argentina's call to negotiate the Islanders' future without consulting them, Member States' obligation to respect the principle of self-determination could not be negotiated away or ignored when convenient, nor would calls for United Nations reform enable Argentina to achieve its objectives in that regard."* [2083]

"The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Special Committee of 24 on Decolonization. They asked the Committee and all its member States to respect the principle of self-determination, which is a universal human right, and the Falkland Islanders' legal entitlement to exercise their right. They reiterated the historical facts that the Falkland Islands had no indigenous people and that no civilian population was expelled prior to their ancestors settling on the Islands. They confirmed that the Falkland Islands have been peacefully settled for over a century and half by their ancestors and others from many parts of the world, and that they have no desire other than to be left to live in peace. They lamented the Republic of Argentina's attempts to ignore their right of self-determination under the Charter of the United Nations. The representatives also expressed their disappointment after the President of Argentina refused to accept an invitation from them inviting the Argentine Government to meet and listen to the views of the Falkland Islands people." [2084]

Petitioners for Argentina are Alejandro Betts and Marcelo Luis Vernet. Betts tells the Committee; *"... that as of 1982 it had become impossible for him, a fourth-generation Malvinas Islander raised on the Islands, to continue residing in the Territory due to his support for Argentina's sovereignty claim. Year after year, the United Kingdom's intransigent refusal to abide by United Nations resolutions on the Malvinas question obliged the Special Committee to consider yet another draft resolution calling for a definitive solution to the sovereignty dispute. Such a solution must be reached bilaterally by Argentina and the United Kingdom, the only relevant parties."* Marcelo Luis Vernet adds that; *"... as an Argentine citizen, he was bound to the Malvinas Islands by their profound significance as the object of a sovereignty dispute and a national cause that dated back to Argentina's beginnings as an independent nation. Furthermore, his own family history was tied to that common cause, as his great-great grandmother, María Sáez de Vernet, had been the wife of Luis*

2083 *UN Doc A/Ac.109/2012/SR.4: Summary record of the 4th meeting held at Headquarters, New York, on Thursday, 14 June 2012, at 3 p.m*

2084 *UN Doc A/67/483: Letter dated 26 September 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

Vernet, the first political and military commander for the Malvinas Islands appointed by the Buenos Aires Government in 1829." [2085]

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution calling for sovereignty negotiations; *"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."* [2086]

President Cristina Fernandez de Kirchner, speaking as an observer, tells the Committee.

"She had not come before the Special Committee because of the events that had taken place 30 years earlier, but because of the events of 180 years earlier. At that time, Argentine sovereignty over the Malvinas Islands had been usurped when a British warship had forced Argentine Captain José María Pinedo to abandon the Islands in 1833. ... A letter written by Argentine General José de San Martín in 1816, requesting more soldiers and inquiring about those imprisoned in the Malvinas, demonstrated that there had been not only a population, but even a prison in the Malvinas at that time. ... She wondered how the Malvinas, situated at 14,000 km from the United Kingdom and 700 km from the Argentine mainland, could be claimed as British territory. The Malvinas Islands were part of Argentina and part of the South American continental shelf ... It was not just a bilateral issue, but a global one, ... Earlier that day, she had felt ashamed for the British when she had seen the so-called Falkland Islands flag flying at 10 Downing Street. A total of 649 Argentines and 255 British subjects had been killed in the conflict, and 449 Argentines and 264 British subjects had committed suicide afterwards. She wondered what the German people would think if the German flag was flown below the British flag at 10 Downing Street on the date of the German unconditional surrender in 1945, or what the Japanese would think if their flag was flown beneath the United States flag on the date of their country's surrender ... She would not ask anyone to say that Argentina was right or that the Malvinas were Argentine, but was merely requesting dialogue. No State could refuse a dialogue and then claim to be a champion of human rights..." [2087]

After the speech, MLAs Edwards and Summers immediately offer to hold talks with President Kirchner while she is at the UN, or anywhere else she wishes, an offer curtly rebuffed by Argentine officials.

"A letter from the Falkland Islands government inviting the Argentine government to enter into a dialogue and which was to be delivered directly to President Cristina Fernandez's delegation during the Decolonization Committee debate was frustrated by the passivity of the C24 chair and by Foreign Minister Hector Timerman. ... However when the Thursday session ended and President Cristina Fernandez received a standing ovation and was being congratulated for her speech and surrounded by her ninety delegates, MLA

2085 *UN Doc A/Ac.109/2012/SR.4*

2086 *UN Doc A/AC.109/2012/L.6*

2087 *UN Doc A/AC.109/2012/SR.4.* Pure propaganda. All the elements of these erroneous statements have been dealt with in their correct places in time across the volumes of the work, but as a recap: 1) Buenos Aires (not the Confederation which played no part) had no sovereignty over the Falklands and had been warned to stay away in British protests of 1829 and 1832. The action of 1833 was therefore merely a policing exercise to evict trespassers given two previous warnings, 2) the letter had not been written by the Argentine General and there was no prison on the Falkland Islands in 1816, 3) both distance and geography were considered and dismissed as irrelevant in sovereignty disputes in 1928, and 4) islands have long been considered to have their own continental shelves under international law. In any case the South American plate is not Argentina's plate. As for dialogue, there had been 17 years of talks following resolution *2065* in 1965. All to no effect and ending with Argentina's invasion in 1982. In 2013, an MOD study found that there had, in fact, been only 95 suicides/open verdict deaths among Falklands War veterans. See - https://www.theguardian.com/uk/defence-and-security-blog/2013/may/14/falklands-veterans-suicide-army

Summers did try to approach and hand the letter but could not get close enough. The closest he managed was Foreign Minister Hector Timerman who refused to take the document telling the Falklands' legislator to "send it to my Embassy".” [2088]

“The chair of the Decolonization Committee … Ambassador Morejon Pazmiño, effusively congratulated and publicly praised the Argentine president following her speech and participated of the standing ovation which was started by the numerous Argentine delegation that accompanied Cristina Fernandez.” [2089]

As in previous years, the draft-resolution is adopted without a vote. [2090]

Committee member Sierra Leone speaks.

“By General Assembly resolution 637 (VII), the States Members of the United Nations had undertaken to uphold the principle of self-determination of all peoples and nations and had recognized self-determination as a prerequisite to the enjoyment of fundamental human rights. Therefore, any solution that failed to embrace the aspirations of the Islanders would be inconsistent with the relevant provisions of the Charter of the United Nations and would be tantamount to a denial of their fundamental human rights and a violation of their right to freely determine their political status and pursue their economic, social and cultural development.” [2091]

Papua New Guinea's Committee member says that his delegation supported a review of the Special Committee's working methods; *“… in order to ensure that tangible results were achieved in its work. … Otherwise, the Committee would fail to accomplish its mandate within the Third International Decade for the Eradication of Colonialism.”* [2092]

“The UK believes that the UN's Decolonisation Committee (the C24) no longer has a relevant role to play in respect of our Territories. The British Territories on the Committee's list have a large measure of internal self-government and have all chosen to retain their link to the UK. In the UK's view, all our Territories should have been delisted a long time ago. Nevertheless, given that some Members of the UN wish to retain the Committee, some democratically elected Territory representatives wish to present their own positions directly to the Committee, and to the Fourth Committee of the General Assembly, at annual meetings of these Committees. The UK Government will continue to support this and these Territories' right to determine their own futures.”[2093]

“The C24 continues to operate, despite numerous criticisms levelled at it over the years, including that it is an 'anachronism' because of its inflexibility, that does not accurately reflect territorial developments in its Resolutions, that it is no longer useful, and that its operation is too expensive.” [2094]

After the Decolonization Committee meeting, President Kirchner sees the UN Secretary-General Ban Ki-moon who confirms that his *“good offices”* are available *“as long as the parties are willing to engage”*. [2095]

2088 *MercoPress* June 15, 2012
2089 *MercoPress* June 16, 2012
2090 *UN Document A/Ac.109/2012/L.6.* No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.
2091 *UN Doc A/Ac.109/2012/SR.4*
2092 *Ibid.*
2093 *The Overseas Territories – Security, Success and Sustainability presented to Parliament by the Secretary of State for Foreign & Commonwealth Affairs by command of Her Majesty* June 2012 Cm8374 p.84. See below
2094 *New Zealand Yearbook of International Law* 2013 vol 11 p.12
2095 That would be both parties.

June 15th, from Geneva, the International Committee of the Red Cross (ICRC) writes to the British government. Regarding Argentina's request that their organisation initiate discussions, with regard to identifying the unknown bodies buried at the Argentine Military Cemetery in the Falkland Islands. [2096]

June 16th, from Uruguay, South American news agency, *MercoPress* reports:

> *"The chair of the UN Decolonisation Committee Ecuadorian ambassador Diego Morejón Pazmiño described the UK announcement of a referendum in the Malvinas Islands as a "political ploy", insisting that the Falkland Islanders can not appeal to the right of self determination. "The referendum is a political ploy from the English government when there is a certain symbolism over the Malvinas issue because it is the anniversary of the war and because the Argentine president is here in New York" and was one of the speakers at the Decolonization Committee said ambassador Morejón Parmiño. …*
>
> *According to Morejon Pazmiño the Islanders can't appeal to the right of self determination they claim, because in the Malvinas case "there is a principle of territorial integrity" from Argentina which is above other considerations and the UK is the "occupying power" since 1833. "The position of England is not that of an administrative power, it is that of an occupying power. It does not administrate a colony that can be claimed as independent. That figure does not exist in the C24", added the Committee chair. "There are two issues: self determination and territorial integrity of States. You can't accept a form of colonization when there is a principle of territorial integrity, which is the applicable form in the Malvinas case", he added. …*
>
> *The chair of the Decolonization Committee underlined the attendance of Argentine President Cristina Fernandez on Thursday because "it gives the UN system credibility and likewise to the task of this Committee as a negotiating body". …"*

June 18th, Uruguay's Chancellor, Luis Almagro, announces that his country will not recognise the referendum.

June 19th, in Mexico, at a G20 summit, Argentina's President attempts to hand Prime Minister David Cameron a letter. He declines to accept and walks away.

June 28th, in Britain, the Foreign and Commonwealth Office publishes a white paper entitled - *The Overseas Territories: Security, Success and Sustainability*.[2097] Referring to the constitutional relationship between the UK and its Overseas Territories, the white paper notes:

> *"The UK, the Overseas Territories and the Crown Dependencies form one undivided Realm, which is distinct from the other States of which Her Majesty The Queen is monarch. Each Territory has its own Constitution and its own Government and has its own local laws. As a matter of constitutional law the UK Parliament has unlimited power to legislate for the Territories. Territory Constitutions set out the powers and responsibilities of the institutions of government, which for most Territories include a Governor or Commissioner, an elected legislature and Ministers.*
>
> *Governors or Commissioners are appointed by Her Majesty The Queen on the advice of Her Ministers in the UK, and in general have responsibility for external affairs, defence, internal security (including the police) and the appointment, discipline and removal of public officers. Elected governments have a wide range of responsibilities. … we believe that the fundamental structure of our constitutional*

2096 *MercoPress* July 25, 2012. From an Argentine source. I am unable to confirm that a letter was received in London.
2097 See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/12249/ot-wp-0612.pdf

relationships is the right one: powers are devolved to the elected governments of the Territories to the maximum extent possible consistent with the UK retaining those powers necessary to discharge its sovereign responsibilities.

We believe that at this point in the history of our relationships with the Territories, when a decade of constitutional revision is coming to a close, the time is not right to embark on a further round of constitutional change."

"The Government of the Argentine Republic reiterates its consistent rejection of the United Kingdom's presumption in referring to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas as "British Overseas Territories", given that they all constitute an integral part of Argentine territory. Furthermore, the Government of the Argentine Republic rejects the United Kingdom's presumption in including the so-called "British Antarctic Territory" as a "British Overseas Territory". ... In addition, the Argentine Government also rejects each and every one of the false claims contained in the white paper, whereby the United Kingdom attempts to distort the history of the Malvinas Islands, South Georgia Islands and South Sandwich Islands." [2098]

"As the FCO acknowledged in 2012, the UK Parliament has, as a matter of constitutional law, unlimited powers to legislate for the OTs." [2099]

"Since 1999, the elected leaders of the Territories and UK Ministers have met in an annual consultative council. This became the Joint Ministerial Council (JMC) in 2012. The JMC provides a forum for the exchange of views, agreement of priorities, and implementing the 2012 White paper on the Overseas Territories." [2100]

On the same day, responding to Argentina's suggestion of direct flights, Britain's Foreign Office announces that they are; *"... prepared to discuss with the Argentine Government ways in which this might be achieved. A welcome first step would be for the Government of Argentina, if it is sincere about improving air links to the Islands – to rescind its unjustified and illegal ban on charter flights over flying Argentina which, since 2003, has impeded access for tourists, business travellers and other visitors. This would be a confidence building measure which would allow discussion of other proposals, ..."*

June 30th, at the end of the Falklands financial year; *"According to the administering Power, the Territory makes every effort to maintain a balanced budget. For 2011/2012, the approved estimate for total revenue was £46.5 million, of which £13.5 million was estimated to come from fisheries, £5.5 million from investment income, £12.3 million from taxation and £6.1 million from public works. During the same period, the revised estimate for expenditure was £46.4 million."* [2101]

July 2nd, in New York, at the UN, the Special Committee on Decolonization publishes its 2012 report. As in previous years, the Committee fails to list its own Falklands resolution among those recommended for adoption by the General Assembly. [2102]

July 6th, from Stanley, *Penguin News* reports:

2098 *UN Doc A/67/534: Annex to the letter dated 15 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

2099 Foreign Affairs Committee Report on 'Global Britain' February 21, 2019. See https://publications.parliament.uk/pa/cm201719/cmselect/cmfaff/1464/146401.htm

2100 *Representing the Overseas Territories in the UK Parliament and Government* Philip Loft August 2024 House of Commons Library Research Briefing

2101 *UN Doc A/AC.109/2012/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

2102 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2012 A/67/23*

"Twenty-nine British MPs have called for Britain to vote against Argentina receiving any more money from the World Bank. The group signed an early day motion in Parliament that was put forward by Conservative MP for Romford. Andrew Rosindell, who had previously visited the Falklands. The motion appealed for the Government to follow the example of America and vote against the World Bank lending any more money to Argentina. The early day motion read:

"That this House notes that despite repeated attacks on Britain and the right of Falkland Islanders to remain British, Argentina receives substantial loans from the World Bank. It is an organisation in which Britain is a major shareholder, and that the Government does not use its votes to oppose those loans; further notes that, as of March 2012, total outstanding loans to Argentina from the World Bank were SI6.2 billion, of which Britain's share amounted to over 200 million"."

July 9th, in Buenos Aires, Argentina's Defence Minister, Arturo Puricelli, asserts that his country's claim to the Falklands is a *"regional committent"*.

In London, Argentina's Embassy supports Puricelli's statement; *"The Argentine ambassador in London Alicia Castro said that South America has reached such a degree of unity that it is possible to think "on the defence of Argentine sovereignty over the Malvinas in regional terms"."*[2103]

July 12th, Premier Oil announces that it is paying $231 million for a 60% stake in Rockhopper Exploration's Falklands licence.

"Rockhopper, ... has long been seeking a co-investor to help shoulder the estimated $2bn costs of developing Sea Lion. Premier announced it would make an initial payment of $231m in cash, and cover exploration costs of $48m.... it will then carry development costs of up to $722m." [2104]

"The 30th anniversary of the conflict has unquestionably reignited passions on all sides, but the reality is that this decline in relations is born in part out of a sense of frustration on the part of Argentina. Oil and gas exploration around the Falklands is unquestionably irksome because it serves as a reminder that Britain continues to enjoy de jure and de facto sovereignty over the islands and that the FIG is able to manage and regulate its own affairs in a way that might have seemed unimaginable to all parties in June 1982." [2105]

July 13th, from Uruguay, South American news agency, *MercoPress,* reports:

"The British government must exercise more caution in granting licences for the export of arms, according to a parliamentary report which mentions authoritarian regimes such as Bahrain but also areas of direct concern for UK such as Argentina and the Falklands. A Commons select committee review of export controls revealed that the Foreign Office expressed concern about the sale of equipment to Argentina amid tensions over the Falkland Islands, the Guardian reported Friday.

According to the Mail online Britain sold £2.3million of military equipment to Argentina in the last two years despite mounting tensions over the sovereignty of the Falklands. "Ministers approved the export of components for helicopters, warships, aircraft and radars as well as communications equipment and shotguns" and the consignments "were sent to Buenos Aires as Argentine president Cristina Fernandez ratcheted up demands for Britain to hand over the islands". ... Under British rules, licences should not be granted if there is a strong chance the arms will be used to provoke conflict or as instruments of internal repression."

2103 Ambassador Alicia Castro reported in *MercoPress* July 11, 2012
2104 *The Financial Times* July 12, 2012
2105 Dodds 2012

July 17th, the Argentine government threatens to prosecute Premier Oil.

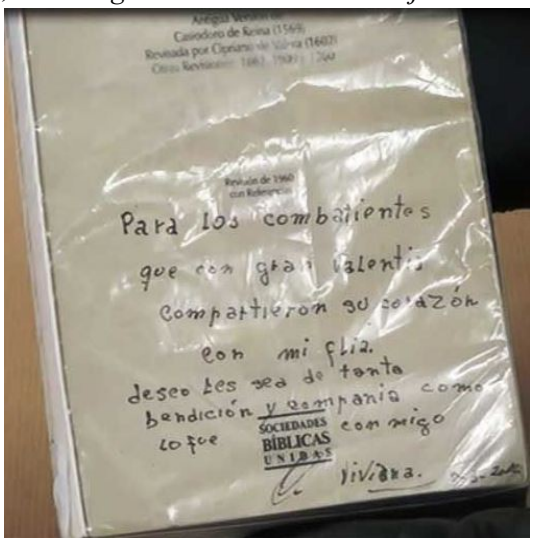
"The company last week signed a billion dollar deal with Rockhopper Exploration, purchasing a 60 per cent interest in Rockhopper's interests in the North Falkland Basin. Since then the Argentine Government has informed Premier it had taken legal action against Rockhopper's, "illegal" oil exploration activities on what it describes as the, "Argentine continental shelf". A statement from the Argentine Foreign Minister said the government, "will initiate administrative, civil and penal action against it with regard to these activities". A copy of the letter addressed to Premier Oil was delivered to the British Embassy in Buenos Aires." [2106]

"... the government of President Cristina Fernandez did something similar but with the ambassadors of Italy and France in Buenos Aires , whom were informed that Argentina would sanction and begin legal actions against the Edison oil corporation that reached a deal with FOGL. Under the terms of the agreement Edison which is a subsidiary of France's EDF, will invest 90 million dollars to face exploration costs in exchange for a percentage of the oil production. According to La Nacion sources from Hector Timerman's ministry, the meetings with the embassies of Italy and France evolved in 'good terms' and were only limited to make the official communication regarding sanctions and legal actions. So far there have been no replies from the governments involved." [2107]

July 23rd, in the Falkland Islands, the Olympic Torch arrives in Stanley as part of its tour.

July 28th, at the Argentine Military Cemetery at Fish Creek, damage to the glass case protecting the image of the Nuestra Señora de Luján is discovered. [2108]

> *"Royal Falkland Islands Police crime scene investigators photographed and examined the scene. They found that the toughened glass panel forming the door and front of the cabinet had been damaged by blows from a blunt instrument. The toughened glass withstood a quantity of blows to its upper and central area, however it was eventually compromised towards its lower right corner in an area above a vase of flowers within the cabinet. A hole had been made in the glass in this area by means of concentrated blows with the blunt instrument.*
>
> *The statue and all other contents of the cabinet were unmoved, undamaged and had not been subject to any force. Investigations show that nothing had been removed from within the cabinet.*
>
> *The investigators found that a Bible, wrapped in a clear ziplock plastic bag and sealed with white electrical tape, had been placed in the cabinet through the hole in the toughened glass and laid on top of the flowers that occupied the vase in the lower right hand corner of the cabinet. The Bible had been sealed in the bag with its front cover folded open revealing a hand written inscription in Spanish. Translated the inscription reads: "For those combatants who, with great bravery, shared their hearts with my family. And just as it was for me, I hope it is a blessing and keeps you company". The inscription was signed Viviana and dated."* [2109]



2106 *Penguin News* July 20, 2012
2107 *MercoPress* August 8, 2012
2108 Requests for assistance sent to Argentina's police were never answered and the investigation remains open (2024). Nuestra Señora de Luján is Argentina's patron saint. *cf*. October 2009 & 2017

"Families of the Argentine war dead blamed British hostility for what they said was an "act of sacrilege" at the cemetery, which contains the remains of 237 men … Sebastián Socodo, who is responsible for the cemetery's upkeep, said families were notified of the attack on Tuesday, but that it was not clear when it occurred or who the perpetrators were. Police in the Falklands have already begun an investigation. Images of the damage show the glass was broken by more than a dozen sharp blows. The Virgin figure, whose blue and white garments are the only expression of Argentine pride permitted in the islands, has been removed to protect it from the elements until the shrine can be repaired." [2110]

"The Royal Falkland Islands Police is involved in an active investigation into damage done to a glass screen al the Argentine cemetery at Darwin. Earlier this week the Falkland Islands Government condemned, "any action of this sort", adding that the Families Commission had been informed and was working on arrangements for the repair. On Wednesday the police released an appeal, "requesting assistance from any member of the population in order to help establish an exact timescale for the recent damage caused at the Darwin Cemetery"." [2111]

Argentina protests "*the profanation of the Monument*" in a letter to the British Embassy in Buenos Aires.

August 2nd, in Buenos Aires, the provincial Senate passes a law banning the arrival of British flagged vessels at the its ports.

"Under the latest legislation the docking, supplying of or logistical operations of vessels that fly the British flag is banned and extensive to the fluvial and maritime coastlines of the province. The law labelled 'Gaucho Rivero' was put forward by President Cristina Fernandez Victory Front provincial lawmaker Patricia Cubría and will be applied to oil tankers, drilling vessels and ships that exploit natural resources within the maritime area that form part of Malvinas Islands' territory. "This law is a tool in place to continue advancing step-by-step in the fight for sovereignty of natural resources in the Malvinas Islands" Cubría said on Thursday. The bill had been passed by the provincial Lower House last June 14 and is supposedly named after Antonio Rivero, "a gaucho from Entre Ríos who headed the uprising in the Malvinas against the British occupation back in 1833. Not only did Rivero fight for our sovereignty and to have our flag flying in the Malvinas Islands, but also led the struggle against the exploitation suffered by the gauchos in the Islands which dared to fly our flag", said Cubría during the Senate deliberations." [2112]

August 3rd, Argentina protests to the UN regarding the damage at the Argentine Military cemetery. [2113]

> *"The Argentine Government condemns the desecration of the monument to the memory of the Argentine soldiers who fell during the 1982 conflict and demands immediate clarification of the events from the Government of the United Kingdom, through an impartial investigation identifying and punishing those responsible for this serious offence which violates the sanctity of the site. … The intolerance and violence of a few individuals, demonstrated at the Darwin cemetery, is a regrettable consequence of the United Kingdom's failure to respond to the requests for dialogue made on so many occasions by the United Nations."* [2114]

August 6th, Falkland Oil & Gas announce a 'farm in' agreement with Noble Energy of Texas.

2109 Royal Falkland Islands Police press release attached to *UN Doc A/67/552*
2110 *The Telegraph* July 31, 2012
2111 *Penguin News* August 3, 2012
2112 *MercoPress* August 2, 2012. *cf.* 1833, 1834, 1956, 1966 & 1974
2113 *UN Doc A/66/881: Letter dated 3 August 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*.
2114 Despite all evidence pointing to an Argentine offender.

"President Cristina Fernandez government expressed its deep disappointment directly to the State Department following the announcement that the Texan oil company Noble Energy would become involved in hydrocarbons activities in the Falkland Islands. A report from La Nacion, singed by Martin Dinatale, quoting Argentine Foreign ministry and diplomatic sources, says that the complaint was delivered personally by Ambassador Jorge Argüello in Washington to the State Department ignoring the US embassy in Buenos Aires. The complaint arrived at Foggy Bottom not long after Noble Energy and the Falkland Oil and Gas Ltd announced on Monday they had reached a farm in deal to explore for oil to the east and south of the Falklands involving 35% of the licences held by FOGL with investments of 180 to 230 million dollars in the next three years. … Noble Energy thus joins the list of companies the Argentine government considers "illegitimate and clandestine" since it will be operating in a territory 'occupied' by the UK and over which Argentina claims sovereignty." [2115]

August 8th, at the UN, in a technical presentation to the Commission on the Limits of the Continental Shelf (CLCS), Argentina includes the Falklands, South Georgia, the South Sandwich Islands and the Antarctic peninsula.[2116]

"Argentina argues that as a coastal state "it possesses and exercises sovereignty rights over its continental shelf, the maritime space which includes the sea bed and subsoil of the submarine areas extending beyond its territorial waters and along the natural prolongation of its territory up to the exterior limit of its continental margin". When the exterior border of the continental margin is beyond the two hundred miles from the baseline, as is the case with Argentina, states acting on the UN Law of the Sea must present scientific reports to support the extent of their claims. In the continental shelf sovereignty rights of coastal states include exploring and exploiting the natural resources in its maritime space." [2117]

"Argentina has once again raised its 'continental shelf' argument in order to lay claim to the Falkland Islands, South Georgia and South Sandwich islands. … A delegation made an audiovisual presentation with images and cartography of all the coastal extension of what they termed 'Argentine territory' that they claimed protected, "its continental shelf resources and reaffirming sovereignty," over the territories." [2118]

August 13th, Argentina protests to the UN; *"The situation in the South Atlantic has deteriorated as a result of the United Kingdom's constant unilateral actions; in July, it again conducted military exercises, including the launching of missiles from the Malvinas Islands, in the disputed area. In October 2010, the Argentine Government strongly protested to the United Kingdom and the competent maritime safety bodies and rejected the conduct of military exercises in the disputed area as an unacceptable provocation. In addition to the actions described above, the United Kingdom periodically sends warships, some of them with nuclear capabilities, to "patrol" the South Atlantic (at this very moment, the destroyer HMS Dauntless is on its way to the Malvinas Islands); large numbers of military personnel are deployed on the Malvinas Islands; and, in early 2012, a media event surrounded the deployment to the Malvinas Islands of the second person in the line of succession to the British throne, in his capacity as a senior officer of the British Army, to perform air and sea exercises. In this connection, Argentina wishes to remind you of the report that was hand delivered to you on 10 February 2012, in which you were alerted to the United Kingdom's increasing militarization of the South Atlantic, which is creating unnecessary tension and constitutes an affront to the entire region…"* [2119]

2115 *MercoPress* August 8, 2012. Foggy Bottom is a district in Washington DC.
2116 Argentina's first presentation to the CLCS had been in April, 2009, followed by oral evidence in August that year. *cf.* 1958, 1991 & 2009
2117 *MercoPress* August 14, 2012
2118 *Penguin News* August 17, 2012
2119 *UN Doc A/66/884*

August 25th, President Cristina Fernandez attends a ceremony to celebrate the life of the Gaucho Antonio Rivero who, it is claimed, raised the Argentine flag in defiance of the British authorities in 1833. [2120]

"Don Ventura Pasos was a nephew of the distinguished Argentine Don Juan Jose Pasos who, with Senores Chiclana and Saavedra, formed the Triumvirate which governed in the early part of the emancipation from Spain. ... Don Ventura and my other agents were murdered in Aug 1833 by some Indians ... and some runaway sailors. Don Ventura was one of the principal settlers at Port Louis." [2121]

"... she stated that "he was anonymized" and "he was disappeared", thereby projecting him from the nineteenth-century past to the past of the dictatorship and denouncing his absence from official history. ... there is no reliable proof of the famous hoisting of the blue and white flag in place of the British flag. By including this character in history, the president recounts a Different History, which is not recorded in school textbooks and which belongs more to national imagination than to institutional narrative. "El Gaucho" Rivero thus becomes part of the list of national heroes who fought for Independence and, in a single stroke, the Malvinas War becomes anchored in the history of independence led by the oppressed." [2122]

August 30th, in Panama City, the 9th Assembly of the *ParlAmericas* organisation opens, attended by two representatives of the Falklands Legislative Assembly who have been invited as observers.

"ParlAmericas membership is composed of the national legislatures of the 35 independent states of the Americas. In order to observe a balance in regional representation, the hemisphere has been divided into four sub-regions: North America, Central America, Caribbean and South America.Parlamericas was started on March 2000 in Washington with the creation of the Steering Committee of FIPA; Inter Parliamentary Forum of the Americas and a year later held its inaugural meeting with a special ceremony held in the chamber of the House of Commons of Canada. The current ParlAmericas Board of Directors and Executive Council has as president Randy Hoback from Canada and includes delegates from Panama, Ecuador, Canada, Mexico, Cost Rica, Honduras, Cuba, Colombia, Paraguay and Chile." [2123]

"People are genuinely interested to hear from us and take a great deal of interest in what we have to say. Our reception in Central America has been excellent and I believe we have forged many useful relationships here with both politicians and opinion formers." [2124]

August 31st, from Stanley, *Penguin News* reports:

> *"The Canadian government reaffirmed its support for the Falkland Islands and their right to self determination, according to a report from the Canadian edition of The Wall Street Journal. According to the report Barrick Gold Corp has lobbied Ottawa over its support for the Falklands Islands, "wading into a centuries old controversy and highlighting the increased complexities of doing business in Argentina, the country that claims sovereignty over the south Atlantic Islands". The Canadian government supports the Islanders position and at April's Summit of the Americas in Colombia. Prime Minister Stephen Harper thwarted an Argentine request to move the Falklands issue onto the meeting of*

2120 From murderer to hero. What Cristina Fernandez forgot (?) to mention was that Rivero targeted Luis Vernet's business on East Falkland Island – killing its managers and destroying Buenos Airean links to that island. Amongst the dead was Jean (Juan) Simon, chief of the gauchos, who had been named in January 1833 as commander of the establishment by the departing Lt. Col. Pinedo. *cf.* March, 1956, November, 1965, January, 1966, April, 1966, April 1982 and March 2015

2121 Luis Vernet in *AGN Sala VII, Legajo 130, Documento 54 Page 2.* See also *The Case of Antonio Rivero and Sovereignty over the Falkland Islands,* Richard Ware *Historical Journal* 27. v.4 1984. For an eye witness account see - https://falklandstimeline.files.wordpress.com/2012/02/helsby-account-1833.pdf

2122 Salerno 2019

2123 *MercoPress* September 5, 2012

2124 MLA Dick Sawle quoted in *MercoPress* September 5, 2012. Dr Barry Elsby was the other MLA attending.

heads of slates concluding communique. Foreign Minister Baird told reporters that Barrick, which has two gold mines in Argentina, had "raised a concern" about the government's position among other mailers. The lobbying appears to have had little effect in Ottawa. "The issue of Canada's policy does not change, we support the self-determination of the people of the Falkland Islands, as we do people everywhere around the world". Mr. Baird said, according to a transcript of the comments."

September 4th, in Buenos Aires, Argentina's Defence Minister denounces the proposed Falklands referendum.

"If you ask the English if they want to remain English most surely they are going to say yes. I think it is a referendum lacking imagination and creativity, I would have expected more from the English." [2125]

September 7th, from Uruguay, South American news agency, *MercoPress,* reports; *"The Argentine blockade can't stop the Falkland Islands and "if Argentina believes that these aggressions are going to change the mind and spirit of the Islanders, they are dead wrong, much on the contrary", said Falklands' lawmakers currently visiting Guatemala on a tour of Central America and Mexico. Interviewed by Guatemala's daily Prensa Libre, the country's most influential newspaper, Falklands' lawmakers Dr Barry Elsby and Dick Sawle said that the purpose of their visit is to present the Falklands people's case, their right to self determination, to continue developing the economy, having good relations with Latinamerica and to inform on the coming referendum on the Islands political status. ... MLA Sawle went on to say that it was very important to understand that what happened in 1982 with the Falklands/Malvinas war did not stop the clock and that Argentina's version of events since is not correct. ... Before leaving for Mexico the Falklands' lawmakers met with representatives of the Guatemalan Government, the civil society as well as with members of the Congress, the Ministry of Foreign Affairs, university students and opinion formers, amongst others."* [2126]

In Sri Lanka, on the same day, MLAs Gavin Short and Sharon Halford attend the opening of the *Commonwealth Parliamentary Association Plenary and Small Countries Conference*. MLA Halford chairs the session on '*The Impact of the Informal Economy on Economic Diversification in Small States.*'

September 17th, Falkland Oil & Gas Ltd announce a gas discovery to the east of the archipelago.

September 19th, in a letter to the UN, Argentina rejects the British Ambassador's letter to the Secretary-General of January 27th.

".. on the grounds that they attempt to distort and detract from the truth of duly documented historical events. The content of the British letter is so contradictory that it ends up bearing eloquent testimony to just how untenable is the position of the United Kingdom concerning the question of the Malvinas Islands." [2127]

On the same day, in a separate letter, Argentina protests the UK's response of February 22nd, 2012; *"The Argentine Republic notes that the United Kingdom has been unable to refute, and in some sections of its reply even acknowledges, the fact that it alone is responsible for its militarization of the South Atlantic."* [2128]

September 24th, Argentina's President leads another ceremony to honour the 'Gaucho' Rivero.

2125 *MercoPress* September 4, 2012
2126 These MLA's had previously visited Colombia and Panama.
2127 *UN Doc A/67/389.* See - https://documents.un.org/doc/undoc/gen/n12/521/16/pdf/n1252116.pdf
2128 *UN Doc A/67/388: Letter dated 19 September 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General.* See - https://documents.un.org/doc/undoc/gen/n12/521/55/pdf/n1252155.pdf

September 25th, in New York,in a speech made at the opening of the 67th session of the United Nations, President Fernandez de Kirchner asserts that the Falklands question is now a *".. global issue."*

"The Argentine leader also asked for the demilitarization of the South Atlantic. "We do not ask the UK to tell us we are right, we are asking them to sit down and comply with the United Nation's resolution over the Malvinas Islands sovereignty," the Head of State said as she addressed her counterparts during the United Nations General Assembly in New York. "Next year will be 180 years since the UK illegally usurped our Malvinas Islands. We reiterate this is not a bilateral issue between the UK and us, this issue has become global" because that is the main reason for the successful de-colonization committee (C24) started in 1961. ... Cristina Fernandez also criticized the double standard of the UN, since permanent members of the Security Council can decide not to comply with the resolutions, and "nothing happens". She also emphasized that the Malvinas question is "not a bilateral issue" but a "global issue" because "we should have moved into the XXI century with no colonial territories, which is also an issue of human rights"." [2129]

September 26th, Ambassador Lyall Grant responds to Kirchner's speech.

> *"A referendum to be held by the Falkland Islands Government in 2013 will make the Islanders' wishes clear to the international community."* [2130]

"With the announcement of the referendum in 2013, the Falkland Islands Government have demonstrated their willingness to deploy democratic levers (and no shortage of creativity) in responding to the escalating rhetoric in the South Atlantic. Few people outside the FIG were privy to the decision, which would have been taken after consultation with the Foreign and Commonwealth Office in London. But it would not be difficult to imagine why the UK government would have supported such a move. A referendum and its inevitable appeal to the values of self-determination, democracy and human rights addresses many of the concerns perennially discussed at the UN's Special Committee on Decolonization while providing a straightforwardly democratic message for international observers and global media audiences. The announcement has also had the effect, at least momentarily, of neutralising Argentina's particular brand of creativity and 'soft power'. It defiantly challenges Mrs Kirchner's suggestion that the UK is an unwanted colonial presence in Latin America and starkly juxtaposes Falklands self-determination with Argentina's appeal to issues of geographical proximity."[2131]

September 28th, addressing a panel of experts and journalists at a conference hosted by the International Institute for Strategic Studies (IISS), MLA Jan Cheek says; *"Despite all the hurdles and the additional costs of overcoming Argentina's efforts to harm our economy, we continue to import all our basic needs, our vessels continue to fish and the oil exploration round has been very successful ... we have received encouraging signals from several South American countries that are not pleased with the Argentine sponsored blockade on the Islands and to not want to continue ... if our strong (oil and fisheries) development continues, I suspect that one or two of our neighbours will want to share with us those benefits by supplying us with equipment, material, services."* [2132]

2129 *MercoPress* September 26, 2012
2130 *UN Document A/67/483: Letter dated 26 September 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*
2131 *The Falkland Islands: Creative Claims and the 2013 Referendum* Alasdair Pinkerton 2012
2132 Quoted in *MercoPress* September 29, 2012

October 2nd, in Dar es Salaam, MLA Mike Summers has a meeting with the Tanzanian Minister for Foreign Affairs and International Cooperation; *"to discuss the Falkland Islands post-colonial status and the referendum planned for 2013 in the face of continued sovereignty claims from Argentina."*

"He told Penguin News, "they were very grateful to have heard directly from the Falkland Islands and are much more likely to be persuaded to take a position. They are members of the C24". … He was accompanied to the newspapers offices by the Deputy British High Commissioner to Tanzania, Mr Julian Chandler. MLA Summers explained he was seeking Tanzania's support as a member of the UN Committee on Decolonisation (C 24), and, "it would be wise for it and other countries that are part of the process to look at the wishes of the people of the area rather than interests of the colonial powers". He added that the post-colonial position under Britain is also confirmed in the Islands' constitution of 2009. He said a number of countries supported the wishes of the Islanders but there were a number, particularly the Latin America nations, that backed Argentina." [2133]

October 5th, Argentina protests to the United Nations Security Council regarding military exercises scheduled to take place on the Falkland Islands from October 8th to the 19th.

> *"By conducting these military exercises, which follow those carried out in July 2012, the United Kingdom is demonstrating its continued indifference to the entire international community's call for a peaceful and definitive solution to the sovereignty dispute between the two countries on the question of the Malvinas Islands pursuant to the relevant United Nations resolutions. In this context, we recall the presentation that the Argentine Republic made to the President of the Security Council, the Secretary-General and the President of the General Assembly of the United Nations on 10 February 2012, alerting them to the increasing British militarization of the South Atlantic. On that occasion, my country denounced the frequent dispatch of military vessels (the destroyer HMS Edinburgh is even now sailing towards the South Atlantic), the use of military submarines with the capacity to transport atomic weapons to "patrol" the South Atlantic, the extensive deployment of British military power in the Malvinas Islands and the conduct of air and sea firing practice.*
>
> *These manoeuvres, which are ongoing, are creating unnecessary tension that constitutes an affront to all the countries of a region that is fully and effectively committed to peace and to negotiation with a view to the settlement of disputes in accordance with international law. …*
>
> *The United Kingdom's permanent seat on the Security Council does not relieve it of its international obligations; what is more, that seat and the privileges that accompany it give the United Kingdom a special responsibility as a guarantor of international peace and security, a responsibility that it abdicates by refusing dialogue with my country and continuing to commit acts such as those described above."* [2134]

October 8th – 15th, at the UN, the Fourth Committee reviews the work carried out by the Special Committee on Decolonization. Various speakers over the course of the debate make mention of the Falkland Islands; either supporting Argentina's claims or supporting a return to sovereignty negotiations. The UK's representative, exercising a right of reply, asserts that the UK has no doubts about its sovereignty and that only the people of the Falklands can decide on new negotiations. [2135]

2133 *Penguin News* October 5, 2012

2134 *UN Doc S/2012/763: Letter dated 5 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the President of the Security Council* A similar letter of complaint was addressed to the Secretary-General (*A/67/513*).

2135 *UN Docs A/C.4/67/SR.2* and *5-7.* Also *A/Ac.109.2013/14*

"Recently, the British have announced that there are three parties to the dispute, and not two as it has always been, and accuse Argentina of ignoring the islanders. In other words, they support the need for two British parties, instead of one, invoking reasons that elude this reality." [2136]

On the **11th**, the UK's delegate addresses the Fourth Committee.

> *"The United Kingdom – the administering Power for 10 of the 16 Territories on the United Nations list – determined in a white paper published in June that its Territories had a **large measure** of self-government and that all of them should have been delisted long ago, …* [2137]
>
> *Having reviewed the constitutional status of each Territory and taken into account their unique constitutions, the United Kingdom was convinced that its fundamental responsibility was to ensure the security and good governance of the Territories, he said. Emphasizing the right of each Territory to determine whether or not to maintain the link with the United Kingdom, the representative declared that the relationship between the United Kingdom and its Overseas Territories was based on partnership and shared values.*
>
> *He affirmed his country's commitment to assist in each Territory's future development and continued security. For as long as they wanted to maintain the link, he said, the United Kingdom was committed to assist in each Territory's future development and continued security…"* [2138]

At the end of the review, the Fourth Committee approves 10 draft-resolutions for adoption by the General Assembly. With no recommendation by the Special Committee for the adoption of its Falklands resolution, no further action is taken on that question.

In Uruguay, on the same day, the Defence Ministers Conference declines to accept Argentina's proposal that they discuss the question of the Falkland Islands. Rejected by the USA, Canada and a number of Caribbean nations. In his opening Speech, Brazil's Defence Minister states his country's support for Argentina and criticises the military exercises taking place in the archipelago.

"… "The Malvinas issue is still very controversial for the Americas" admitted Uruguay's Minister of Defence Eleuterio Fernandez Huidobro pro-tempore president and host of the event, on Wednesday. The Falklands/Malvinas issue and a peace zone in the South Atlantic, despite not being part of the official agenda of the meeting, was addressed by an ad hoc committee that held "long discussions" during the four day meeting in an attempt to bring closer the different positions. Nevertheless Argentina managed to include two articles in the final declaration on the issue, although 15 of the 34 countries from the Americas expressed some "degree of safeguard or reserve". All members agreed to subscribe Article 19 of the Declaration which points out that "in the framework of the peaceful character of the Americas continent nations, they express their willingness to promote peace and cooperation in the South Atlantic". … The US pointed out that the Falklands/Malvinas issue does not correspond to the Defence Ministers of the Americas forum, and Canada openly dissented with the inclusion of the paragraph arguing that it is a "bilateral issue" and underlined that the "population of the Falkland Islands have the right to determine their own future"." [2139]

2136 Berasategui 2013. Argentina acknowledged three parties during the course of the Menem presidencies.

2137 Large measures are simply not enough for the United Nations, which requires that Administering Powers lead the peoples of their Non-Self Governing Territories to a '*full*' measure of self-government. As it stands, the UK retains far too much control over its overseas territories to satisfy the UN. British Governments could take steps to address this, despite opposition from the Foreign Office – whose allegiance to self-determination is, at best, partial.

2138 Fourth Committee Press Release GA/SPD/507. My emphasis. See https://www.un.org/press/en/2012/gaspd507.doc.htm

2139 *MercoPress* October 11, 2012

October 12th, in New York, Argentina again complains about the military exercises scheduled to take place on the Falkland Islands, this time to the UN's Secretary-General.

"Following the military exercises conducted last July, the Argentine Government regrets and strongly denounces this new hostile attitude of the United Kingdom, which constitutes a persistent provocation that contributes to the consolidation and growth of its military presence in the South Atlantic..." [2140]

October 15th, Argentina addresses further complaints to both the British Embassy and the UN regarding; *"... the United Kingdom's presumption in referring to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas as "British Overseas Territories", given that they all constitute an integral part of Argentine territory. Furthermore, the Government of the Argentine Republic rejects the United Kingdom's presumption in including the so-called "British Antarctic Territory" as a "British Overseas Territory."..."* [2141]

October 18th, the UK writes to the Security Council refuting Argentina's letter of complaint of October 5th. [2142]

> *"The Government of the Republic of Argentina continues to make unfounded claims that the United Kingdom is "militarizing" the South Atlantic. The Government of the United Kingdom unequivocally rejects these false assertions. The United Kingdom's defence posture in the South Atlantic has remained unchanged for many years. The United Kingdom carries out routine biannual exercises involving short range air defence missiles on the Falkland Islands. These missiles were positioned on the Falkland Islands as a defensive measure following the Republic of Argentina's illegal invasion and occupation of the Islands in 1982. This year such exercises were carried out in July and October.*
>
> *As the Republic of Argentina is well aware, these exercises have been conducted safely for 30 years, and at no point has the safety of life at sea been put at risk. Such exercises are routine and consistent with the rights of all States. Indeed, the United Kingdom reminds the Republic of Argentina that its own military exercises also include live firing out to sea."* [2143]

"The United Kingdom said it did not see 'any appetite' from the UN Security Council members to address the Falklands/Malvinas issue, following the election of Argentina as one of the five new non permanent members to the council on Thursday. "I think the Security Council has a large agenda of serious and pressing issues of international peace and security. We don't see any appetite among other Council members to have that issue raised in the Council", said Philip Parham, Chargé D'Affaires of the UK mission to the UN. Parham made the statement following the UN General Assembly vote on the new five Council members: Argentina, Rwanda, Australia, Luxembourg and South Korea. Argentina was the country which had the greatest support, 182 votes out of the 193 UN members and ran unopposed in her group. The arrival of Argentina to the UN council for two years beginning next January coincides with growing tension with the UK over the Falklands sovereignty dispute, and forecasted to worsen not only because of the 30th anniversary this year of the South Atlantic conflict but because of the dynamic development of the oil and gas industry in the Islands waters." [2144]

2140 *UN Doc A/67/513.* Britain's rejection can be found in *S/2012/776*
2141 *UN Doc A/67/534*
2142 A similar letter was sent to the Secretary-General dated October 18, 2012 (*A/67/544*)
2143 *S/2012/776: Letter dated 18 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council*
2144 *MercoPress* October 19, 2012

On the same day, the Falkland Islands Government writes to the Chair of the UN's Decolonization Committee, Ambassador Diego Morejón Pazmiño, accusing him of being conflicted in his role.

*"The Falklands government letter dated 18 October to Ambassador Morejón Pazmiño points out that it is clear from the Tiempo Argentino interview and other speeches in the past, "that you have already decided that the Falkland Islands should be ceded to Argentina against the clear wishes of its people. This is in direct conflict with the United Nations principle of self determination". Further on the letter underlines that the Chair of C24 has visited Argentina "so as to better inform yourself in this matter and yet you have failed to do what any impartial Chair would then do, namely to visit the Falkland Islands, speak to Elected Members and talk to our people". The letter also mentions the fact that Ambassador Morejón Pazmiño admits to have been chosen to the C24 Chair "**as candidates in the Caribbean were thought to be biased**"* [2145]*on the issue of the sovereignty dispute. … The letter also rebukes statements of alleged 'militarization', reminding the C24 chair that the only reason there are military forces in the Falklands is "as a result of our country being invaded by Argentina in 1982". Finally the elected Members of the Falkland Island Government "yet again extend an invitation to you and other members of the C 24 to visit the Falkland Islands before the next meeting of the Committee so as to better inform yourselves of the real situation here". It must also be said that the Falklands government states that "the Decolonisation Committee is seen by most people as an outdated, ineffective and partial Committee and your actions as Chair have brought its reputation even further into disrepute"."* [2146]

October 21st – 26th, in Quebec, Canada, at the 127th Assembly of the Inter-Parliamentary Union (IPU), Argentina's delegation ask for a meeting with British representatives.

"The Argentine delegation was headed by Senator Daniel Filmus, chair of the Foreign Relations Committee, who called on the UK for an end to hydrocarbons' activities in Falklands' waters as well as a freezing of all military operations in the area." [2147]

October 31st, from Stanley, the Falkland Islands Government (FIG) circulate details of the proposed referendum question, to gauge public opinion in the Islands.

"The Falkland Islands government has opened a public consultation on the proposed referendum question on the Falklands Political Status to be held in early 2013. The proposed question was arrived at and agreed by all members of the Legislative Assembly having received expert advice on the issue. In its presentation the question says that "given Argentina is calling for negotiations over the sovereignty of the Falkland Islands, this referendum is being undertaken to consult the people regarding their views on the political status of the Falkland Islands". The referendum question reads: Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom? The two reply options are YES and NO." [2148]

November 2nd, the Falklands Government extend Rockhopper Exploration's production licences for 12 months to allow for further evaluation.

November 11th, in New York, UN Secretary General Ban Ki-moon is interviewed by a journalist from *Tiempo Argentino*, a Buenos Aires based newspaper, regarding an alleged breach of UN Resolution 2065 (1965) by the UK. [2149]

2145 In 1982, the then Chair of the C24 had welcomed a delegation from the Islands as "*representatives*" of the "*people*" of the Falklands NSGT. A position he would not change despite numerous objections.
2146 *MercoPress* October 20, 2012. My emphasis. There was no response.
2147 *MercoPress* October 25, 2012
2148 *MercoPress* October 31, 2012
2149 See March, 2012 above

"I don't think Security Council members are violating relevant UN resolutions. The impression is that people who are living under certain conditions should have access to certain level of capacities so that they can decide on their own future. And that is the main criteria of the main UN bodies. Having independence or having some kind of government in their territories. I don't think it's an abuse or violation of relevant UN resolutions." [2150]

MercoPress.
South Atlantic News Agency

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Monday, November 12th 2012 - 21:57 UTC

Ban Ki-moon and colonialism: people should be able to decide their own future

Secretary General Ban Ki-moon said UK is not violating relevant UN resolutions referred to the Falklands' and more specifically on colonialism, he argued that a prevailing impression is that "people living under certain conditions should have a certain level of capacities so that they can decide their own future", be it independence or some kind of government in their territories.

"According to reports of a recent interview in New York with the Buenos Aires newspaper Tiempo Argentine, United Nations Secretary General Ban Ki-moon has refuted Argentine claims that the UK Government is in breach of UN resolutions with regard to the Falkland Islands, and appears to have argued in favour of the right of Falkland Islanders to self-determination ... While still calling for dialogue between Argentina and the UK as he has done previously, because he was "concerned about the strong statements exchanged between Argentina and the United Kingdom," the Secretary General was reported to have said that the UK had not violated relevant UN resolutions. "Being able to decide their own future was the main criteria of the main UN bodies," said Mr Ban Ki-moon who added that he "didn't think such a right was an abuse or violation of relevant UN resolutions", Argentina has on several occasions asked Mr Ban Ki-moon to bring together Argentina and the UK to establish a dialogue. The Secretary General said, "the UN has been working strongly from its very beginning to help non autonomous territories to achieve independence" and to put an end to colonialism. Of course there are still some which are ruled by certain structures from other countries, but I sincerely hope that as we move along the Twenty-First Century, all the people in the world can enjoy independence". When asked about the 16 UK Overseas Territories, Mr Ban Ki-moon said he expected they should be resolved "ideally" through dialogue, particularly when we are talking about the Falklands." [2151]

"... the greatest support for the self-determination of the islanders came from the UN Secretary General, Ban Ki-moon, in October 2012 (sic). Indeed, the UN official maintained that he supported the dialogue between Argentina and the United Kingdom to resolve the conflict but added that "I do not believe that the permanent members of the Security Council are violating relevant UN resolutions. The impression is that people who live under these conditions should be able to obtain a certain level of capacity so that they can decide on their own future. And this is the main criterion of the main organs of the United Nations. To achieve independence or to have a certain government of their territories. I do not believe that it is a matter of abuse or violation of relevant UN resolutions". What the Secretary General said is very important because it reflects how the organization works and thinks. In this sense, Ban Ki-moon hinted that the United Kingdom is not violating any resolution of the General Assembly, that the country is not obliged to discuss the Malvinas Islands with the United Kingdom." [2152]

2150 Quoted in *MercoPress* September 12, 2012. Not well received in Argentina. The Secretary-General's precise words, and the various interpretations, were much disputed: even among Argentine journals. The last UN General Assembly resolution on the subject of the Falklands had been in 1988 and Ban Ki-moon's words were taken to mean that none of the old resolutions had relevance in 2012. That, of course, would mean that the UK could not be in breach of any of them, despite Argentina's protestations to the contrary. Not actually easy to be in breach of an advisory resolution.

2151 *Penguin News* November 16, 2012

2152 Romero 2020. A slightly different version from that in *MercoPress*.

Ban Ki-moon also mentions that he is always prepared to employ his '*good offices*' to assist in dispute resolution and that Argentina had accepted this, while the UK had not in this instance. [2153]

November 12th, the Falkland Islands Government founds a research department with support from the British Antarctic Survey. The focus to be on Marine Science, Atmospheric Science, Freshwater Science, Terrestrial Science, Earth Science, and Data Science. [2154]

"While SAERI may be less explicit than Pampa Azul[2155] *about the political interests of its socio-technical imaginary, the sovereignty issue does inevitably leak into the institute's affairs. ... The Governor and FIG have insisted that there not be "crossover" between politics and science; however, on visits to the islands, UK Foreign and Commonwealth Office Ministers and Directors asked SAERI scientists how they might be able to use SAERI's research to spoil Argentina's claim."* [2156]

November 19th, in Buenos Aires, the offices of a British-linked shipping company are broken into and ransacked; *"... a move the Foreign Office alleged was aimed at deterring ships from visiting the disputed Falkland Islands."*

"The Foreign Office, which labelled the shipping office incident a "violent act of intimidation", said it had summoned Alicia Castro, Argentina's envoy to London, after earlier invitations had been ignored. A British official with knowledge of the matter said Britain was concerned it had not received assurances that British-linked firms would not be attacked again. The official said Britain was also worried the attackers may have had state backing. "It is shameful that elements within a large country like Argentina should seek to strangle the economy of a small group of islands. Such action benefits nobody and only condemns those who lend it support", the Foreign Office said in a statement. "We were disappointed that it was necessary formally to summon the ambassador into the Foreign Office. We made several attempts to arrange for a less formal meeting, each of which the Argentine embassy declined", the statement said. The Argentine embassy was not immediately available for comment, but the British official said after the meeting that Castro had been "very cross" to have been summoned and that she had accused the Foreign Office of "wasting her time"." [2157]

The offices of other shipping agents are also attacked.

"The incidents refer to a violent raid last week in the heart of Buenos Aires by masked thugs against ship agents who were warned that cruise ships would be prevented from berthing at Buenos Aires, Ushuaia and Puerto Madryn unless the Falklands' leg was cancelled. In spite of the damage and terrorizing of shipping agents staff no police were on hand to intervene and no subsequent arrests have followed. The incident prompted two cruise ships, owned by German and Dutch companies (Carnival vessel AIDAcara and Holland America ship Veendam), to cancel scheduled calls on the Falklands, triggering strong Foreign Office complaints. It also led to diplomats from the Argentine embassy in London being summoned to the Foreign Office to receive an angry protest." [2158]

2153 At this time, the Secretary-General had no specific mandate from the General Assembly with regard to the use of his *good offices* in this case; the last being in 1988. Ban Ki-moon never offered any clarification of his words.

2154 Officially opened by the Duke of Kent, the South Atlantic Environmental Research Institute (SAERI), became independent of the FIG in 2017. SAERI maintains offices in London and Stanley.

2155 An initiative founded by Argentina in April, 2014, arguably in response to SAERI, *Pampa Azul* appears to be a copy-cat organisation designed to counter any geopolitical advances that SAERI may make. See April, 2014 & July, 2020

2156 Blair 2019.

2157 *MercoPress* December 3, 2012.

2158 *MercoPress* November 26, 2012

"Attempts by a group of activists to apply to cruise ships a regional law originally designed to hinder oil exploration in Falklands waters now appears to be back-firing, to the fury of the Argentine tourist industry, with the news that ports in that country are now being avoided by international cruise companies. … P&O announced that they were cutting Argentine ports from the scheduled world cruises of two of their ships the Arcadia and Adonia. but would still be visiting Stanley … The scale of Argentina's potential financial loss was not lost on Mr Marcelo Letti of the Ushuaia Tourist Chamber of Commerce who is quoted in Argentine papers as saying, "The fact is that these two ships {Seabourn Sojourn and Veendani) have already announced the cancellation of all their further visits this season. Just these two ships means the loss of 18,000 passengers, or to put it another way the loss of 18,000 entries into the National Park, port taxes, taxi rides, souvenir purchases and excursions"." [2159]

November 21st, in Stanley, following the public consultation, there being no significant objections, the proposed question is approved by the Executive Council. [2160]

"Calling the referendum was officially a domestic decision made by the Falkland Islands Government (FIG) with logistical support from the United Kingdom. The exact role of the British government remains unclear but it is very likely that the decision was a joint one." [2161]

November 26th, in London, at the 91st session of the Maritime Security Committee of the International Maritime Organization, Argentina's Ambassador refutes complaints from the UK.

"… "Argentina has not incurred in any violation of its international commitments" said Ambassador Castro in reply to UK complaints… The British writ questioned provincial laws which impede the access to Argentine ports of vessels linked to the hydrocarbons exploration in Falklands' waters and at the same time filed a complaint regarding several actions which presumably would impact on the security and operation of British vessels in Argentina. "Provincial legislation referred to by the UK which regulate navigation coastal navigation between continental Argentina and the Malvinas Islands have the purpose of protecting natural resources under its sovereignty and jurisdiction, as well as rejecting the illegitimate exploration and exploitation hydrocarbons activities displayed along the Argentine continental shelf", said ambassador Castro according to the Argentine Executive site. … Reference to more specific claims by the UK delegation at IOM, the ambassador said "there is no evidence at the Argentine maritime authority that navigation security or of the vessels has been compromised". "On this issue, no vessel requested for help in the framework of the IMO recommendations and mechanisms" insisted Castro … As to British allegations referred to the violent actions committed by extremist groups against the offices of a maritime agency in Buenos Aires, the ambassador reported on the administrative and judicial actions undertaken by the Argentine Federal Police. Finally as to union actions, denounced by the UK, allegedly involving maritime unions affiliates of the International Federation of Transport Workers, the Argentine ambassador argued that Argentina "respects unions' autonomy". According to the Argentine version of the presentation, and reported in the Presidency web page, Argentina received the emphatic and explicit support from nine countries belonging to the region, Brazil, Cuba, Chile, Ecuador, Guatemala, México, Peru, Venezuela and Uruguay, while the UK position "collected no adhesion from any of the 170 countries attending the meeting"." [2162]

On the same day, South American news agency, *MercoPress,* reports:

2159 *Penguin News* December 14, 2012
2160 Willetts 2013 p.7
2161 Fourches 2017
2162 *MercoPress* November 27, 2012

"Concerned about the international repercussions of the referendum, Foreign Minister Hector Timerman has summoned Ambassador Alicia Castro from London to elaborate an 'anti-referendum' strategy. The main target: a propaganda campaign in the UK to try and convince British political personalities or outstanding names from attending the Falklands as observers of the March referendum, and thus reaffirming the legitimacy and transparency of the event.

A second effort, again according to the Buenos Aires media, is that Timerman has instructed two top diplomats to make a tour of the Caribbean and Africa to inform of the "legitimate rights" of Argentina over the Malvinas Islands and on the 'inconvenience' of sending observers to the referendum. The places chosen for the round of visits intend to target Commonwealth members or those with close links with the UK. The dissuasive strategy of the Argentine government also includes sending a release which has already reached several Argentine embassies overseas and instructing diplomats to alert the political leaders of those countries on the 'illegitimacy' of the referendum. … Another matter of concern for Argentina diplomacy are the visits of journalists from the Americas and the Caribbean which take back the Falklands' point of view on the sovereignty dispute as well as the recent round of media contacts and interviews in several Latin American countries, US and Canada, by members from the Legislative Assembly."

November 30th, at Port Stanley, cruise ship *Seabourne Sojourn* arrives with 431 passengers. Despite claims in Argentina that the Bahamas flagged vessel had dropped the Islands from its itinerary.

December 4th – 5th, in London, the British Overseas Territories Joint Ministerial Council meet. Attended by representatives of all the Overseas Territories, a joint statement is issued at the end of the conference.

"The people of each Territory have the right to choose whether or not their Territory should remain a British Overseas Territory. Any decision to sever the constitutional link between the UK and a Territory should be on the basis of the clear and constitutionally expressed wish of the people of the Territory. We believe that the UN decolonisation committee should de-list Territories where this is their wish." [2163]

December 18th, in the last official engagement of her Diamond Jubilee Year, Queen Elizabeth II visits the Foreign and Commonwealth Office in London.

"Following a tour of the building, Foreign Secretary William Hague announced that the southern part of the British Antarctic Territory had been named 'Queen Elizabeth Land' in honour of The Queen's sixtieth year on the throne. The Foreign Secretary said: As a mark of this country's gratitude to The Queen for Her service, we are naming a part of the British Antarctic Territory in her honour as 'Queen Elizabeth Land'. This is a fitting tribute at the end of Her Majesty's Diamond Jubilee year, and I am very proud to be able to announce it as she visits the Foreign and Commonwealth Office.

2163 Full document here - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/39257/Overseas_Territories_Joint_Ministerial_Council_Communique.pdf

The British Antarctic Territory is a unique and important member of the network of fourteen UK Overseas Territories. To be able to recognise the UK's commitment to Antarctica with a permanent association with Her Majesty is a great honour. The area now to be known as Queen Elizabeth Land, which was previously unnamed, is around 169,000 square miles (437,000 sq km), making up just under a third of the whole land mass of the British Antarctic Territory. This is almost twice the size of the UK, which stands at 94,000 square miles (244,000 sq km). Queen Elizabeth Land is bounded on the North side by the Ronne and Filchner ice shelves, to the North East by Coats Land, on the East by Dronning Maud Land and extending on the West side to a line between the South Pole and Rutford Ice Stream, east of Constellation Inlet.

Her Majesty The Queen has been on the throne for 60 of the 104 years since the UK claimed territory in Antarctica in 1908. This includes the entire time it has been known as the British Antarctic Territory" [2164]

Argentina responds.

"The (Argentine) ministry accused London of infringing the spirit of the Antarctic treaty, signed in 1959 in Washington DC by 50 nations including Britain and Argentina to preserve the Antarctic from territorial disputes by guaranteeing freedom of scientific investigation and banning military activity on the continent. ..." [2165]

"The decision to label part of mainland Antarctica 'Queen Elizabeth Land', as part of the Queen's 60th anniversary celebrations seemed quixotic given earlier proceedings. It was also unusual, given the UK's long-established practice of forgoing highly symbolic acts in relation to the Antarctic Treaty area, preferring instead to point the finger at others (e.g. Argentina and Chile) more inclined to do so." [2166]

December 20th, the Falkland Islands Government confirm that the date of the proposed referendum will be March 10th, 2013. The question is to include a preamble.

"The current political status of the Falkland Islands is that they are an overseas territory of the United Kingdom. The Islands are internally self-governing, with the United Kingdom being responsible for matters including defence and foreign affairs. Under the Falkland Islands Constitution the people of the Falkland Islands have the right to self-determination, which they can exercise at any time. Given that Argentina is calling for negotiations over the sovereignty of the Falkland Islands, this referendum is being undertaken to consult the people regarding their views on the political status of the Falkland Islands. Should the majority of votes cast be against the current status, the Falkland Islands Government will undertake necessary consultation and preparatory work in order to conduct a further referendum on alternative options.

Do you wish the Falkland Islands to retain their current political status as an overseas territory of the United Kingdom?"

"According to the administering Power, to make the wishes of the Islanders clear to the international community, a referendum will be held on 10 and 11 March 2013 ... The Islanders would express their right to self-determination under Article 1 (2) of the Charter of the United Nations, article 1 of the International

2164 Published on the website of the Foreign & Commonwealth Office December 18, 2012
2165 *The Guardian* December 21, 2012
2166 *Britain and the British Antarctic Territory in the wider geopolitics of the Antarctic and the Southern Ocean* Klaus Dodds & Alan D. Hemmings 2013 in *International Affairs* 89: 6 (2013) 1429–1444

Covenant on Civil and Political Rights and General Assembly resolution 2625 (XXV) (see A/67/483). For its part, Argentina repeatedly rejected the exercise as illegal under the relevant United Nations resolutions on the question of the Falkland Islands (Malvinas) and as a serious distortion of the spirit of self-determination and a tautological exercise (see also section X.B. below). Its position was generally supported by regional organizations such as MERCOSUR and the Union of South American Nations (UNASUR), which stated that the referendum "in no way changes the essence of the question of the Malvinas Islands" and that "its possible outcome will not end the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas" (see A/67/728 and A/67/729)." [2167]

The Falkland Islands Government extends an open invitation for overseas observers to apply for accreditation.

"They would have welcomed a bona fide group from Argentina, but none applied. One of the leading NGOs, CANADEM, who were founded in Canada in 1996, did apply. They had a record of working with the UN not just on election observation, but also on humanitarian assistance, and governance capacity-building. CANADEM agreed to organise a Referendum International Observation Mission – Misión Internacional de Observación del Referendo (RIOM/MIOR). The team was led by Brad Smith, a former Chairman of the Federal Election Commission in the USA and Juan Manuel Henao, who developed a career in democracy promotion with a US NGO, the International Republican Institute. Observers were recruited from Brazil, Chile, Mexico, Uruguay, New Zealand and Canada. Henao said it was "a conscious decision to secure observers from the (Latin American) countries"... the observer from Uruguay was of political significance: Jaime Mario Trobo was Chairman of the International Affairs Committee of the House of Representatives. In addition to the RIOM/MIOR international team, people who had expressed interest in observing the referendum were invited to make formal applications for accreditation as observers. Four people did so ... These four were José Carlos Cardoso, who was another Uruguayan congress representative and Chairman of the Agriculture, Livestock and Fisheries Committee, Professor Klaus Dodds and Dr Alasdair Pinkerton, both from Royal Holloway College, University of London, and myself (Prof. Peter Willetts), on behalf of the South Atlantic Council." [2168]

"... the Falkland Islands Government took steps to have the vote monitored by an international team. The exercise proved rather difficult as the Argentine government worked behind the scenes to convince potential observers and their countries of origin not to take part in the team. Countries in Africa and the Caribbean were targeted by Argentine diplomats with limited success, according to some sources quoted in the Buenos Aires press (La Nación: 24 November 2012 and 07 March 2013)." [2169]

December 21st, in Buenos Aires, a *note* is handed to the British Ambassador protesting the new designation within Britain's Antarctic Territory.

> *"... the Argentine Government ... reaffirms its rights of sovereignty over the Argentine Antarctic Sector. ... the claim of the United Kingdom demonstrates, once more, the anachronistic imperialist ambitions in that country, which dates back to ancient practices already overcome, and does not agree with the spirit of peace and cooperation that characterizes the Antarctic Treaty System."* [2170]

2167 *A/AC.109/2013/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 18 March 2013.* The UN Special Committee on Decolonization chose not to send observers despite having done so for four previous acts of self-determination in other NSGTs – Niue 1972 (New Zealand), Cocos Islands 1984 (Australia), Tokelau 2006 and 2007 (New Zealand). However, unlike in the case of Gibraltar in 1967, the Committee did not seek a UN GA resolution denying the proposed referendum's validity.

2168 Willetts 2013 pp.28-29. See below.

2169 Fourches 2017

2170 Ministerio de Relaciones Exteriores y Culto - *Información para la prensa N° 416/12 Dirección de Prensa de Cancillería: 4819-7375 / 8296 / 7388*

"The UK ambassador to Argentina has been summoned to explain to officials in Buenos Aires why part of Antarctica has been renamed in honour of the Queen. John Freeman was handed a formal protest note "strongly rejecting" the UK's claim to a piece of land known as the British Antarctic Territory. The southern section was named Queen Elizabeth Land by Foreign Secretary William Hague... The note claimed the area was part of the Argentine Antarctic sector. It stated that the Argentine government "strongly rejected" Britain's right to rename the area... The 1959 Antarctic Treaty between 12 nations including Britain and Argentina, outlawed the establishment of new territorial claims in the Antarctic, but stated that it did not reject existing claims. The Foreign Office said on Tuesday there was a precedent for naming parts of the continent after members of the British royal family. East Antarctica is home to Princess Elizabeth Land, named after the Queen before she took the throne, and in 2006 an unnamed mountain range in the Antarctic peninsula was named the Princess Royal Range in tribute to the Queen's daughter." [2171]

From London, on the same day, Britain's Prime Minister, David Cameron, sends a Christmas Message to the Falklands. *"I'm always conscious that you, the people of the Falkland Islands, continue to face a particular and direct challenge both to your economy and to your identity as Falkland Islanders. President Kirchner's Government appears determined to argue that you should have no say in how you are governed. They continue to misrepresent the history of your Islands and the current realities of life there. I'm pleased to see the Falkland Islanders working hard to correct these misrepresentations.... It is a pity that Argentina persists in behaving this way. ... But, the British Government will not stand by and allow your human rights to be ignored. ..."*

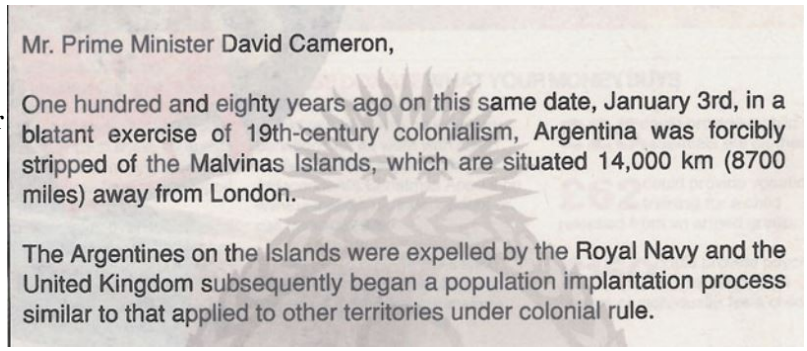
2013 – January 3rd, Argentina's standard form letter complaining about the events of 1833, is sent to the UN's Secretary-General.

> *"On this date, 3 January, 180 years ago, in a blatant exercise of nineteenth century colonialism, Argentina was forcibly dispossessed of the Malvinas Islands, which are situated 14,000 km (8,700 miles) from London.*
>
> *The Argentines on the Islands were expelled by the British Royal Navy and the United Kingdom subsequently began a process of importing settlers similar to that used in other territories under colonial rule.*
>
> *Since then, the United Kingdom, the colonial Power, has refused to return the territories to the Argentine Republic, thus preventing it from restoring its territorial integrity. The question of the Malvinas Islands is also a cause supported by Latin America and by the vast majority of the world's peoples and Governments, which reject colonialism.*
>
> *In 1960, the United Nations proclaimed the necessity of bringing to an end everywhere colonialism in all its forms. In 1965, the General Assembly decided, with no votes against (not even by the United Kingdom), to consider the Malvinas Islands a case of colonialism and invited the two countries to negotiate a solution to the sovereignty dispute between them.*
>
> *Many other resolutions followed in the same vein.*
>
> *On behalf of the Argentine people, I reiterate our request that we give effect to the aforementioned resolutions of the United Nations."* [2172]

2171 *BBC News* December 22, 2012

2172 *UN Doc A/67/688: Letter dated 3 January 2013 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General.* If anything, rather shorter than most years.

In London's *Guardian* and *Independent* newspapers, Argentina places the contents of its message to the UN as an advertisement. In the form of an open letter addressed to Prime Minister David Cameron.


Mr. Prime Minister David Cameron,

One hundred and eighty years ago on this same date, January 3rd, in a blatant exercise of 19th-century colonialism, Argentina was forcibly stripped of the Malvinas Islands, which are situated 14,000 km (8700 miles) away from London.

The Argentines on the Islands were expelled by the Royal Navy and the United Kingdom subsequently began a population implantation process similar to that applied to other territories under colonial rule.

The Guardian adds its own opinion.

"Thirty years after Britain and Argentina went to war over the Falklands, Argentina's populist president, Cristina Fernández de Kirchner, has returned to the fray with a blistering attack on British "colonialism" and a demand to hand back "Las Malvinas".

In a stinging letter to David Cameron, Fernández urges the UK to abide by a 1960 United Nations resolution urging member states to "end colonialism in all its forms and manifestations". … her letter is published as an advert in Thursday's Guardian and other newspapers. Fernández acidly notes that the "Malvinas" are 8,700 miles away from London and claims, controversially, that the Royal Navy expelled the Argentinians who originally lived on the remote South Atlantic territory. Replacing them with British settlers was, she says, a "blatant exercise in nineteenth-century colonialism".

Fernández's diplomatic broadside follows the British government's decision last month to name a large frozen chunk of Antarctica after the Queen – a gesture viewed in Buenos Aires as provocative. Argentina also lays claim to what is now Queen Elizabeth Land, as well as to other South Atlantic dependencies including South Georgia and the uninhabited South Sandwich Islands.

The president and her advisers seem convinced that by keeping the issue of the Falklands in the public eye she can embarrass London into eventual negotiations. In her letter, Fernández claims not only Latin America but also the "vast majority of peoples and governments around the world" embrace Argentina's claim and "reject colonialism".

Critics suggest that Fernández, an unashamed populist and nationalist, is seeking to deflect attention from social disharmony at home. The president's approval rating is sagging ahead of mid-term legislative elections in October. Argentinians support the "Malvinas" cause, which is written into the constitution. But they are also worried about pressing economic problems such as inflation, rising crime and corruption.

The Foreign and Commonwealth Office (FCO) has categorically ruled out any new negotiations saying the future of the Falklands can only be decided by the islanders themselves in accordance with the UN principle of self-determination.

The islanders are due to vote in a referendum later this year, which is expected to give overwhelming backing for the territory to remain British. The FCO also disputes Fernández's claim that Britain kicked out the island's original Argentinian inhabitants. It says there was no civilian population on the island in 1833, with the Royal Navy expelling an Argentine military garrison that had arrived three months earlier." [2173]

2173 *The Guardian* January 3, 2013

"The letter was timed to mark the anniversary of when, according to the official Argentine history, on January 3, 1833 the British Navy expelled a civilian Argentine population from the Falklands and declared British rule. This somehow ignores the historical facts, gleaned among other sources from Argentina's own National Archives, that no such expulsion of a civilian population took place." [2174]

"As soon as the letter appeared, the Foreign Office responded that it would not negotiate on the issue until the islanders asked for it, adding: "The islanders are British and have chosen to be so," said a spokeswoman for the British Foreign Office quoted by news agencies. "They are free to choose their own future, both politically and economically, and they have the right to self-determination as enshrined in the United Nations Charter. This is a fundamental right of all peoples." Finally, contrary to UN resolutions, it said: "There are three parties to this debate, not two as Argentina claims, because the islanders cannot be erased from history"." [2175]

In Montevideo, a book promoting a Uruguayan claim to the Falklands archipelago, is published. [2176]

> *"No-one remembers an 1841 treaty signed between Spain and Uruguay. In that treaty Spain cedes the naval bases powers (to Uruguay) …"* [2177]

"The Falklands should belong to Uruguay, the authors of a new book on the disputed islands have sensationally claimed. A forgotten 172-year-old treaty signed between Spain and the south American country gives it sovereignty rights over the British colony, they say. Uruguayan architect Juan Ackermann, one of the two authors of the book, insisted last night: "Legally, the islands are ours".... One option is to do nothing and let Argentina and Britain carry on their war of words over the islands, the authors argue. But they also claim Uruguay would be within its rights to start negotiations with the UK and Argentine about proposals to divide up the disputed territory." [2178]

"An alternative interpretation that does not sit well with either side can be found in Juan Ackermann y Alfredo Villegas' 2013 book, which claimed that Uruguay is in fact the only legitimate legal owner, due to its 1841 pact with the Spanish crown, according to which the latter ceded authority over the Islands. The book also provides evidence that both the British governments and Argentine senate subsequently recognised the pact. While the Uruguayan government is yet to lay official claim to the Falklands–Malvinas, this may change if the oil deposits under the sea surrounding the Islands ever become fully refinable and lucrative." [2179]

January 4th, in a response to Kirchner's advertisement in British newspapers, the *Sun* newspaper takes out a similar advert in the *Buenos Aires Herald*.

2174 *Penguin News* January 4, 2013

2175 Romero 2020

2176 *Las Malvinas, ¿son uruguayas?'* Juan Ackerman & Alfredo Villegas 2013. See July 16, 2013 below.

2177 Ackerman & Villegas 2013. *Tratado de Reconocimiento, Paz, Amistad, Navegacion y Comercio y articulos adicionales* Madrid 1841 in *Tratados y Convenios Internacionales: suscritos por Uruguay en el periodo Mayo de 1830 a Deciembre de 1870* 1993 pp.611-617. However, the treaty was not ratified by Spain and it would be 1882 before a treaty between the two nations was finally ratified by both. It is true, however, that the last seat of Spain's Viceroyalty of the Rio de la Plata was at Montevideo (1810 to 1814). Not Buenos Aires. Also worthy of note that the Royal Spanish Navy, based in Montevideo, had administered the Soledad garrison after December, 1806. *cf.* 1776, 1810, 1811, 1814 & 1841. Also see below.

2178 *Do the Falklands really belong to Uruguay? Authors claim Spain signed them away to South American country 172 years ago* Gerard Couzens in *Mail Online* January 31, 2013

2179 Levey & Ozarow 2021.

"President Cristina Fernandez de Kirchner

Thirty one years ago this year, Argentina invaded the Falkland Islands with the loss of 255 British service personnel, 649 Argentine troops and three Falkland Islanders. This action was in direct conflict with the UN charter's principle of self determination in which the people of the Falkland Islands are British and have chosen to be so.

Self determination is a fundamental human right for all peoples.

Claims that 180 years ago Argentina was 'stripped' of the Falkland Islands are unfounded. No Argentine civilian population was ever expelled. It was an Argentine garrison which had been sent to the Islands to try to impose Argentine sovereignty over British sovereign territory. British sovereignty over the Falkland Islands dates back to 1765 before the Republic of Argentina even existed. The Islands have never been governed by or formed part of the sovereign territory of the Republic of Argentina. Until the people of the Falkland Islands chose to become Argentine, they remain resolutely British.

In the name of our millions of readers, and to put it another way: "HANDS OFF"

"The Sun's ad in the Herald, which has a circulation of around 20,000, goes on to dispute Argentina's claim to the islands, and states that British sovereignty dates back to 1765, ending with the words: "Until the people of the Falkland Islands choose to become Argentinian, they remain resolutely British". Speaking on BBC Radio 5, Argentinian journalist Celina Andreassi said the reaction in Argentina would "probably be anger". "People will wonder what has the Sun got to do with it, but again the arguments the Sun puts forward are the arguments the British have generally put forward; the arguments our press put forward are the same as always - basically there's really nothing new", she said." [2180]

January 6th, PM David Cameron speaking on the BBC's *Andrew Marr Show* reaffirms Britain's commitment to defend the Falkland Islands from any aggression by Argentina. Argentina's Foreign Ministry immediately accuse the PM of making *"military threats."* [2181]

On the Island of South Georgia, a programme to reduce the numbers of deer commences. Originally introduced in 1911 by a Norwegian, Carl Larsen, the population has grown to destructive levels. Rounding the circle, experts from Norway are called in to manage the cull.

January 9th, in a speech at Mar del Plata, Argentina's President, Cristina *Fernández* de Kirchner responds to news that 150 extra troops are to be stationed at Mount Pleasant Airbase; *"We are at a very particular historic moment where Argentina once again is under attack from ... others, 12.000 kilometres away that are threatening to come to militarize and invade our Malvinas Islands."* [2182]

January 12th, cruise line operator P&O announce that they have removed Buenos Aires, Puerto Madryn and Ushuaia from their schedule.

2180 *The Drum* January 4, 2013
2181 *MercoPress* January 7, 2014
2182 *MercoPress* January 10, 2014

"Over the past few months we have been working hard with both the Foreign and Commonwealth Office and our local agents to gain assurances from the Argentine government that our ships will be allowed to call into Argentine ports. Concerns have been raised that ships associated with Britain and flying the red ensign may not be permitted to call into Argentina or will be severely delayed, as has been the case on numerous occasions during 2012. Despite our best efforts, these assurances have not been received and the risk that we will be refused entry into these ports of call is too high. As a British cruise company we cannot allow ourselves to be the subject of any political dispute or put our customers and crew into any situation where their enjoyment may be compromised. With this in mind, we have had to take the difficult decision to remove all Argentine ports of call from the itinerary." [2183]

January 13th, British newspaper *The Telegraph* reports; *"A series of military options are being actively considered as the war of words over the Islands intensifies. It is understood that additional troops, another warship and extra RAF Typhoon combat aircraft could be dispatched to the region ahead of the March referendum on the Falklands' future."*

"... one of the most important military exercises that the United Kingdom has ever produced in the southern zone was carried out in January 2013, with the dispatch of the latest generation of Typhoon II fighter planes and the presence of a nuclear submarine with high-powered missiles and torpedoes, as well as the British destroyer HMS Edinburgh." [2184]

January 17th, in New York, at the UN, Ambassador Grant responds to Argentina's letter of January 3rd.

"In 1832 an Argentine military garrison was sent to the Falkland Islands in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine military garrison, on 3 January 1833. The civilian population, who had previously sought and received British permission to reside on the Islands, was encouraged to remain. The majority voluntarily chose to do so.

The United Kingdom has never implanted any civilian population; all civilians have voluntarily migrated to, or been born in, the Falkland Islands. Civilian migrants voluntarily settled on the Islands from a large number of countries, as they did throughout the whole Americas region, including Argentina, during the nineteenth century. Many of today's Islanders can trace their roots on the Falklands back eight or nine generations.

The Republic of Argentina's claim to the Islands, which it bases on the principle of disruption to its territorial integrity, is without foundation, as the Islands have never legitimately been administered by, or formed part of, the sovereign territory of the Republic of Argentina." [2185]

January 30th, in Buenos Aires, Foreign Minister Timerman announces a visit to London in February, when he expects to meet with 80 *"leading figures"* from Europe – who he claims are calling for Britain to negotiate. Timerman also writes to the British Foreign Office requesting a meeting with the Foreign Secretary. William Hague immediately invites the Falkland Islands Legislative Assembly to send two of its members to London.

2183 P&O spokesman quoted in *MercoPress* January 12, 2014
2184 Romero 2020. Unconfirmed.
2185 *UN Doc A/67/703*

January 31st, informed that members of the Falklands government have been invited, Minister Timerman declines to meet with Foreign Secretary William Hague.

> *"I am sorry to receive your letter yesterday in which says that you can not meet without the supervision of the Malvinenses settlers.... I repeat that it is a pity that you refuse to have a bilateral meeting. Your decision will surely harm the interest of Argentina's work with the United Kingdom at the G20, the United Nations Security Council, issues of nuclear proliferation, trafficking in human beings, drugs, laundering money, investment, trade, human rights, and many others in which both countries are active members of the international community...*
>
> *The international community will not accept a third party in this dispute. Britain insists on ignoring more than 40 resolutions to that effect...."*

Timerman then invites the British Foreign Secretary to meet him in Buenos Aires, where; *"... foreign ministers can freely meet with whomever they wish without being pressured or having their presence conditioned on meetings that they haven't asked for and don't interest them."* [2186]

"The Foreign Office said ... that the UK was not ready to compromise on the presence of Falkland Islands representatives. "We are not prepared to have a meeting where the Falkland Islanders are not represented or where the Falkland Islanders are not mentioned," a spokeswoman said. "We're massively disappointed by the Argentinian response."..." [2187]

"Argentina's foreign minister has turned down the offer of talks with William Hague over the future of the Falklands after the Foreign Secretary insisted that islanders should also be present. Representatives of the Falkland Islands government were flying to London this weekend to tell Hector Timerman that Buenos Aires should respect islanders' rights and leave them in peace." [2188]

"... efforts in 2012 and January and February 2013 for the Minister for Foreign Affairs of Argentina, Héctor Timerman, and the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, William Hague, to hold a bilateral meeting in London were not successful." [2189]

From Buenos Aires, Argentina's Foreign Ministry sends four letters to the UN Secretary-General transmitting the '*Special Declaration on the Question of the Falkland Islands*' as adopted by - the Ibero-American Summit of Heads of States and Government; the Heads of State and Government of Latin America and the Caribbean; Presidents of the States Parties of the Southern Common Market (Mercosur) and; the States members of the Union of South American Nations (UNASUR). [2190] All these '*Declarations*' call for the resumption of Anglo-Argentine negotiations over the Falkland Islands.

February 5th, in London, after meeting an all-party UK/Argentina Group at the House of Commons, Hector Timerman refuses to accept a letter from the Falkland Islands Government proffered by MLA Dick Sawle in the lobby of the Houses of Parliament.

2186 *The Guardian* February 1, 2013
2187 *Ibid.*
2188 *Huffington Post UK* February 2, 2013
2189 *A/AC.109/2013/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 18 March 2013.* Something of an understatement.
2190 *UN Documents A/67/726, A/67/727, A/67/726,A/67/728* and *A/67/729.* UK's rejection of the first in *UN Doc A/67/754*

At a news conference after the encounter, Timerman states that; *"The Falkland Islanders do not exist. What exists is British citizens who live in the Islas Malvinas."* [2191]

He also goes on to claim that Argentina will regain the Falklands, South Georgia and the South Sandwich Islands within 20 years.

"... a false and repeated image, and one which was only accepted within Argentina: the idea of a patient, continuous and peaceful claim. The islanders themselves, or 'Kelpers', as the Argentines persist in calling them, are subjects who do not count or matter. While much of the British diplomatic triumph was based on questioning the future of the islands' population, for the Argentine state, that population simply did not exist. Or, in the words of the highest authority in the country, 'they are squatters'..." [2192]

In London, Argentine diplomats throughout Europe pull together supportive individuals for a conference. Argentina's Ambassador to the UK, Alicia Castro, forms a British arm with Dr. Francisco Panizza and Prof. George Philip from the London School of Economics, MP Jeremy Corbyn[2193], journalist Richard Gott and John Wilson of the South Atlantic Council together with members of the left-wing Venezuelan Solidarity Campaign – Lee Brown and Matt Willgress.

Other members include Agustin Blanco-Bazan, Dr. Guillermo Makin[2194], Gabriel Mocho Rodriguez and Ernesto Laclau. The whole is to be known as the *'Grupos Europeos Pro Dialogo en la Cuestion Malvinas*' and are to be addressed by Minister Timerman. Argentine Senator Daniel Filmus and Deputy Guillermo Carmona are also in attendance at the official residence of the Argentine Ambassador to the UK.

After the conference, the attendees issue an open letter – *A call to dialogue between UK and Argentina.* [2195]

> *"Over the past 180 years there has been a dispute between Argentina and the United Kingdom over the sovereignty of the Malvinas/Falkland Islands, which Britain seized from Argentina in 1833. In more recent times, in 1965, the UN General Assembly recognized the existence of this sovereignty dispute through Resolution 2065.*
>
> *This states that Argentina and the UK must find a peaceful solution, taking into account the interests of the inhabitants of the islands, and it calls on both sides to negotiate. From then on, until 1982, negotiations did take place between the two countries, and various options were discussed, including the possible transfer, a joint administration, and leaseback. ...*
>
> *Since the return of democracy on December 1983, Argentina represents no threat to the UK or to the Malvinas/Falkland Islands. Mainland Argentina is already home to a large community of British people who are well integrated into national affairs. Argentina has consistently reiterated its commitment to dialogue, and the United Nations continues to urge both sides to resume negotiations.*
>
> *Everything suggests that it would be worthwhile for the United Kingdom to re-establish the dialogue that existed before 1982. Yet the UK government consistently refuses to talk. The call for dialogue has been supported by the entire international community.*

2191 In the 1960s and 1970s, Islander representatives had been regular attendees at meetings between the UK and Argentina. Outside of Argentina, the Kirchner policy of ignoring the Falklanders could only be viewed as self-destructive. It may have played well at home but internationally made no sense at all.

2192 Mira and Pedrosa 2021

2193 Socialist leader of Britain's Labour Party 2015 to 2020

2194 Argentine-born academic at Cambridge University's Centre for Latin-American Studies.

2195 The list of members can be found here – https://falklandstimeline.files.wordpress.com/2020/01/nomina-18-grupos.pdf

All the countries of Latin America, in particular, have opposed what they see as the survival of a colonial enclave in the region, and they argue in favour of the urgent resumption of negotiations. … In view of the above, we, the undersigned, call upon the UK government to resume the dialogue with Argentina." [2196]

"The Declaration highlights the position of Latin America, which "has opposed what it considers the persistence of a colonial enclave in the region and advocates the early resumption of negotiations." The text emphasizes that "Latin America is a zone of peace and the British military escalation is cause for concern in all the countries of the region" and in this sense draws attention to the fact that "the United Kingdom continues to carry out unilateral activities in the area of dispute in the South Atlantic – the exploration and exploitation of renewable and non-renewable natural resources – in contravention of United Nations resolutions "and maintains that" this includes the increasing militarization of the area by the United Kingdom, which has turned the Malvinas Islands into one of the most militarized areas on the planet." [2197]

February 6th, at the Foreign Office, MLAs Sawle and Cheek attend a meeting with Foreign Secretary William Hague (right). Although invited, Argentina's Foreign Minister, Hector Timerman, does not appear.

"(Hague) said it was a shame that the Argentine Foreign Minister. Hector Timerman, was unwilling to join the meeting. He added: "As I have said before, there is no way such a conversation could have taken place without members of the Falkland Islands Government being present, especially given the current Argentine government's behaviour towards the Islanders". Mr Timerman was visiting the UK at the lime in order to give presentations to people he claimed to be from groups of importance and who he said supported Argentina's demands for sovereignty negotiations."[2198]

February 10th, in an article in *The Sun* newspaper, dismissing Argentina's claims as *"fantasy,"* Foreign Secretary William Hague notes; *"Britain is a country which supports the right of people to determine their own future. There should never be reward for bullying or threatening behaviour in international affairs... There are families in the Falklands who are in their ninth generation. The Falklands have been there longer than Argentina has had its current boundaries or existed in its current form."*

March 1st, in Buenos Aires, addressing Argentina's Congress, President Kirchner says; *"Argentina claims again to the UK, in the presence of all provinces, government and opposition lawmakers, dialogue over the sovereignty of the Malvinas Islands as the resolutions of the United Nations indicate ... we're not asking them to say we are right, but to sit and dialogue ... we believe diplomacy is the only thing we have to defend peace ... yes, we want sovereignty over the Islands but we want it in peace..."*[2199]

2196 *A call to dialogue between UK and Argentina* London February 6, 2013
2197 Official announcement by Argentina's *Ministerio de Relaciones Exteriores y Culto* February 7, 2013
2198 *Penguin News* February 8, 2013
2199 *MercoPress* March 2, 2013

March 3rd, Canada's *Globe & Mail* newspaper editorial states:

> *"As a country that with some justice prides itself as a global beacon for democracy, the United States should abandon its equivocation over the status of the Falkland Islands and agree to throw its considerable weight behind the winner of the referendum asking Islanders whether they wish to remain a UK overseas territory.*
>
> *The US position, or more accurately non-position, is a veritable case study of diplomat-speak. John Kerry, the new US Secretary of State made a stop in London last week to underscore the "special relationship" between those two countries. It is not so special, however. If it were, the US would approve the democratic rights of Falkland Islanders to self-determination. Said Mr. Kerry "Our position on the Falklands has not changed; the United States recognizes de facto UK administration of the Islands but takes no position on the question of parties' sovereignty claims thereto. We support co-operation between UK and Argentina on practical matters".*
>
> *Last June, the US government opted to abstain when member countries of the Organization of American States, at its General Assembly, held in Bolivia, voted to readopt a "Declaration on the Question of the Malvinas Islands", which backs Argentina's call for negotiations between London and Buenos Aires.*
>
> *Canada stood alone in arguing that the Falkland Islanders should be allowed to decide their own future. The inhabitants of the Falklands go to the polls on March 10-11. They will be asked, "Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom?" It's a clear question, and there is little doubt as to the outcome. There is no desire to see the Islands ruled by Argentina. The people will have spoken. The Argentines won't accept that, but the US should."*

March 4th, from Uruguay, the South American news agency, *MercoPress,* reports a statement by Ambassador Morejón Pazmiño, Chair of the UN Decolonization Committee.

> *"I think that the people that live in the Islands can do whatever they wish. They have that right and it can't be denied. But nevertheless the discussion is not self determination but sovereignty over the Islands according to the UN documentation.*
>
> *Falklands/Malvinas figures in the list of non autonomous territories because of a unilateral decision from the UK going back to 1946. If you check the list you will see it figures as a Territory, with the administrative power, the UK.*
>
> *There in that paper is the dependency relation, but several UN resolutions have established the need for the two countries to sit and discuss the issue as of sovereignty. And when the issue refers to sovereignty, the Decolonization Committee has nothing to do or even suggest.*
>
> *Furthermore the issue should not even exist because if the Malvinas are Argentine, and that is how Ecuador looks at the issue, as such it should be expressed and defined permanently."* [2200]

2200 Yet a further example of bias within the UN Decolonisation Committee (C24) whose discussions should focus on the issues surrounding decolonization. The Committee has no remit to consider issues of sovereignty. The last UN resolution of 1988 was answered, and the Falkland Islanders' right to self-determination is simply undeniable. Respect for which is an obligation *erga omnes* in International Law.

In the USA, a group of academics demand that US President Obama should stop siding with Argentina and instead support the Falkland Islanders' forthcoming referendum. [2201]

March 5th, in London, Argentina's Ambassador, Alicia Castro, declares the referendum to be a "*publicity stunt*".

"..."This referendum has no legal grounds. It's not approved, nor will it be recognised by the United Nations or the international community," Argentine ambassador Alicia Castro told reporters at a briefing in London. "So this referendum is little more than a public relations exercise," she said." [2202]

A *YouGov* opinion poll for Sky News reveals that only 15% of Argentines believe that the Falklanders should have a say in their future; compared to 88% of British people.

March 7th, in Stanley, reporters and international observers, begin to gather for the referendum.

March 8th, from Buenos Aires, Argentina's Foreign Ministry issues a communique.

"In an attitude which clearly is demonstrative of the lack of grounds for its pretension and above all lacking good faith, the UK is attempting to introduce elements directed to distort, changing international law definition of the controversy, which is reflected in the reiterated pronouncements from the world community. ... Argentina regrets these UK irresponsible and ill-faith initiatives and calls on London to seriously reconsider its policy oriented to misinform on the juridical and political reality of the disputed territory it is occupying"[2203]

"Instead of fulfilling its international obligations by resuming negotiations with Argentina to resolve this controversy, the British side — in a clear demonstration of the lack of grounds for its claims and above all lacking in good faith — seeks to introduce elements aimed at distorting..." [2204]

"The release, a compilation with no new arguments on the Falklands sovereignty dispute with Argentina, alleges that the UK has called on "the implanted Malvinas population to ask them on matters which only pretend to tergiversate the true juridical condition of the Falklands and the other insular territories and their adjoining spaces claimed by Argentina". The release adds that the UK, very much aware of its international isolation regarding the Malvinas issue prefers to distort the controversy instead of trying to resolve it." [2205]

"... the United Kingdom has no right to seek to alter the legal status of these territories, even with the disguise of the hypothetical referendum." [2206]

In Stanley, having previously arranged a public meeting to discuss issues of sovereignty, South Atlantic Council (SAC) member Prof. Peter Willetts agrees to abandon his status as an observer.

"The credentials of one of the international observers, a British professor of politics from the University of London, had been revoked hours before the referendum had been held because he had told the media that the results of the poll would have no legal weight and that it did not constitute an exercise in self-determination."[2207]

2201 See - https://falklandstimeline.files.wordpress.com/2022/09/the-united-states-should-recognize-british-sovereignty-over-the-falkland-islands-march-4-2013.pdf
2202 *MercoPress* March 5, 2013
2203 Quoted in *MercoPress* March 9, 2013
2204 *Rechazos al referéndum en las Malvinas* in *Página 12,* March 9, 2013
2205 *MercoPress* March 9, 2013. Important, if only for the word '*tergiversate*'. Look it up.
2206 Eissa 2019
2207 Argentina petitioner Alejandro Betts, speaking before the UN Special Committee on Decolonization, June 20, 2013.

"... my credentials as an official referendum observer for the SAC were cancelled the day after I arrived in the Islands. I had not appreciated before I arrived that, if I wanted the full privileges of access to observe the electoral administration, mobile polling and the count, I would have to operate in the same manner as the international team of observers. This required making a commitment to abide by the Code of Conduct for International Election Observers, as endorsed by the United Nations in 2009. The Code specifics observers, "must not express or exhibit any bias or preference in relation to ... referenda issues". However, the cancellation of my credentials was not a unilateral act by the Attorney General. I was given the choice of remaining an official observer, if I postponed my public meeting until the day after the referendum count. It was my own decision that I wished to go ahead with the meeting at the arranged time, two days before the voting started. ... I have no doubt that in international law the Falkland islanders have the right to self-determination." [2208]

That same evening, Prof. Willetts, hosts a public lecture on the rights of the Falkland Islander.

"Willetts' insistence that "A British Overseas Territory is still a colony" defies common sense. Indeed, while under his criteria Canada, South Africa, Australia and New Zealand would have been classified as colonies during their Dominion status period, (when) they were widely regarded as independent nations instead. ... What Willetts actually proposes is that the Falkland Islanders disrupt their process of ongoing political development and nation building, and effectively relinquish their self-determination rights. In other words, the Islanders are invited to renounce their birth right." [2209]

Argentine newspapers report a letter sent to British Prime Minister David Cameron, by Argentine Nobel Peace Prize Laureate Adoldfo Pérez Esquivel.

> "*You do know that this referendum has no legitimacy. Not only because it is an implanted British population following the expulsion of Argentine authorities in the 19th century but also because the United Nations have not decided the fulfilment of the referendum.* ***There is a reason why the British government has not called the UN.*** *... "(The Islands) will continue to be a British colony and the settlers will continue to be British. Argentina is a democratic country that seeks to resolve conflicts through national and international law."* [2210]

March 10th — 11th, the Falkland Islanders hold a referendum on the question

> ***"Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom? YES or NO."***

"Factors Indicative of the Attainment of Other Separate Systems of Self-Government: A. General. 1. Opinion of the population of the Territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire." [2211]

2208 Letter from Peter Willetts published in *Penguin News* July 26, 2013. Also *MercoPress* July 30, 2013. A copy of this lecture became available for a limited time with the title *The United Nations, Self-Determination and the Falkland Island.* The original, without amendments, is here - https://falklandstimeline.files.wordpress.com/2022/04/the-united-nations-self-determination-and-the-falkland-islands-by-p.-willetts-2013.pdf

2209 *Inconsistent and flawed: Remarks on Prof. Peter Willetts' Stanley lecture and SAC paper* by Dr. Lyubomir Ivanov in *Penguin News* March 22, 2013

2210 Quoted in *MercoPress: South Atlantic News Agency* March 10, 2013. My emphasis. There was no formal invitation from the Falkland Islands Government to the UN Special Committee on Decolonization.

2211 UN resolution *742 (VIII)* of 1953. See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/742(VIII)

"Resolution 2065 (XX) says nothing about returning the Falklands to the Argentine Republic, and, as far as the UN is concerned, principle VI of the Annex to resolution 1541 (XV) sets out three alternative courses of decolonization, of which integration with a sovereign independent state is only one. In any case, according to Principle IX of the same resolution, such integration "should be the result of the freely expressed wishes of the territory's peoples, acting with full knowledge of the change of their status, their wishes having been expressed through informed and democratic processes impartially conducted and based on universal adult suffrage"...."[2212]

Observers from Brazil, Canada, USA, Paraguay, Chile, Mexico, New Zealand and Uruguay scrutinize the voting.

"The population of the Falkland Islands has been going to the polls in a referendum on whether to remain a British overseas territory. Hopes for a surprise result should be tempered: it is likely that the 1,600 British citizens will vote for the status quo. But whatever the outcome, it is clear this referendum will not end the dispute. The dispute between Argentina and the United Kingdom over the sovereignty of the Falklands/Malvinas will remain as unresolved as it has been ever since a Royal Navy warship took by force the islands 180 years ago. It's important to note that the referendum will have no real effect from the perspective of international law: unlike other cases of decolonisation, it was never called for nor supervised by the United Nations. Only British citizens participate in elections on the Malvinas Islands, and only British citizens will participate in this referendum. It is a referendum organised by British people, for British people, with the purpose of asserting that the territory has to be British." [2213]

"The dispute between both countries was somewhat aggravated by the referendum held in the Islands on 10 and 11 March 2013, ... The UK supported the referendum, whereas Argentina deemed its organisation and the referendum itself contrary to the text of the relevant UNGA resolutions and a grave misconception of the concept of self-determination." [2214]

"The international observers did monitor the referendum though in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct for Election Observer (RIOM Final Report 2013:4) and reported that It is the conclusion of this independent team of international election observers that the Falkland Islands Referendum process was free and fair, reflecting the democratic will of eligible Falkland Island voters. The international observation mission further concludes that the voting process was executed in accordance with international standards and local laws. The process was technically sound, with a systematic adherence to accepted voting procedures (RIOM Final Report, 2013: 1)." [2215]

"... the use of the principle of self-determination allows Britain to obtain international legitimacy because, at least in the West, who would dare to say that a government must be "imposed" on the inhabitants of the Islands? However, on the one hand, this principle does not apply to the case of the Falkland Islands (Malvinas Islands) because it is an implanted population that evicted the Argentine population in 1833..." [2216]

2212 *UKMis to FCO January 22, 1969* in *FCO 7/1080* at *186*
2213 Ambassador Alicia Castro in *The Guardian* March 10, 2013
2214 *Does the Population of the Falkland Islands (Malvinas) really have the right to Self-Determination."* Fabian Raimondo 2015
2215 Fourches 2017
2216 Eissa 2019

"It was thus perfectly normal that a territorial plebiscite was held in the Falklands to establish the views of the inhabitants on whether they wished to continue being a British Overseas Territory. In other words, Falkland Islanders were asked to exercise their right of external self-determination (to choose the way in which their country should relate to other countries), which they undoubtedly enjoy under UN resolutions 1514, 1541, 2625 and the International Covenant on Civil and Political Rights. Their views were of course broadly known, but the extent of feeling had never been measured by an actual vote." [2217]

Cristina Fernández de Kirchner, President of Argentina, refers to the Falklands referendum as; *"a squatters condominium meeting."* [2218]

March 12th, in Stanley, the results of the referendum are announced. Of 1,517 votes cast, 1,513 (99.8%) are in favour of retaining the current status and links with the UK. Only three votes (0.2%) are cast against.[2219]

> *"Obviously it is a major principle of the United Nations that a people have their right to self-determination, and you don't get a much clearer expression of the people's self-determination than such a large turnout and such a large 'yes' vote."* [2220]
>
> *"(An) absolutely phenomenal result which will send out the strongest possible message to the rest of the world about our right to self-determination – a right that was fought for in 1982, and which we have honoured tonight. …*
>
> *What is very clear is that these islands never have belonged to Argentina; what is also extremely clear to me here, and from the results that we heard tonight, is that they never will do."*[2221]

Falkland Islands sovereignty referendum

"Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom?"

Location	Falkland Islands
Date	10-11 March 2013

Results

	Votes	%
✓ **Yes**	**1,513**	**99.80%**
✗ **No**	3	0.20%
Valid votes	1,516	99.93%
Invalid or blank votes	1	0.07%
Total votes	**1,517**	**100.00%**
Registered voters/turnout	1,650	91.94%

"... the colonial process must be regarded as finally over once the inhabitants of a colony have been able to exercise their right of self-determination...." [2222]

"Journalist Celina Andreassi, of the Argentina Independent, said: "The majority of people here (Argentina) agree with the official position that the issue is not about self-determination and it is not about whether the islanders consider themselves British or not – because obviously everyone knows that they do and that they are British... Carolina Barros, editor of the Buenos Aires Herald, said the referendum result was "quite a blow and big news for any Argentine saying that the Malvinas islands belong to Argentina, or that the islanders living there are an implanted population". "I don't think it's going to change the mind of the government," she said. "It might change the mind of the Argentines."..." [2223]

"The referendum is a compelling defeat for the Argentine government ..." [2224]

2217 Pascoe 2020 p.287
2218 *MercoPress* March 13, 2013
2219 There was a 92% turnout from 1,672 citizens eligible to vote out of a total population of some 2,900. Prof Peter Willetts report for the South Atlantic Council is here - http://www.staff.city.ac.uk/p.willetts/SAC/OP/OCCPAP12.HTM
2220 Governor Nigel Haywood quoted by *BBC News* March 12, 2013
2221 MLA Dick Sawle quoted by *BBC News* March 12, 2013
2222 Separate opinion of Judge Luchaire in *Burkina Faso v. Republic of Mali* December 22, 1986
2223 *BBC News* March 12, 2013
2224 Editorial in Brazilian newspaper *Folha de Sao Paulo* March 13, 2013

"Not since the halcyon days of the Soviet Union has a vote been so lopsided, but there was no fraud or coercion. Ninety-two per-cent turnout; over 98-per-cent support for the Falkland Islands to retain its status as a British Overseas Territory. It is time for Argentina to give up its claim and respect the democratic will of the islands' residents. A supporter of Argentine President Cristina Kirchner expressed dismay: "We must denounce this trickery that pretends to represent the popular participation of an implanted population". But as one British pundit pointed out, the descendants of implanted Europeans who have lived for generations on the Falklands have a better claim than the descendants of implanted Europeans who have lived for generations in Argentina. The Argentine Embassy in Ottawa responded to the vote by offering assurances that "the Argentine Constitution specifically protects the way of life of the population of the Malvinas Islands". But in 20 years, the Falkland Islanders will celebrate the bicentennial of British administration over islands that were first charted by an English explorer. It is time for Argentina to let go." [2225]

"On 10-11 March 2013, a referendum was held in the Falkland Islands to ask the voters whether they wished to retain their status as an Overseas Territory of the United Kingdom. In comparison to any other democratic process in the modern world, there was an extraordinary outcome. Participation was exceptionally high, with a turnout of 92.0%, and the unity of the community was exceptionally high, with 99.8% of the valid votes being "Yes". Formally, the result was an overwhelming endorsement of the status quo. From a broader perspective, the referendum was a significant historical event that called into question the status quo. For the Falkland Islanders, the British government, the Argentine government and the wider international community, the political debate about the Falklands-Malvinas dispute has been transformed, by the unambiguous nature of the result. Those who use the 1960s language of protecting "the interests of the population" now appear to be both patronising and authoritarian. Global standards for human rights have been immensely strengthened from the 1970s onwards and, in that context, the referendum result has forcefully asserted the right of the Falkland Islanders to have their wishes respected. Consequently, they will have to be participants if any negotiations about the future of the Islands are resumed." [2226]

"The holding of the referendum in March 2013 is one more step in the long history of the British usurpation of the Falkland Islands. The alleged democratic exercise of a right that the population of the Falklands lacks is nothing more than a pretext that the United Kingdom will continue to use to hinder the decolonization process of the Islands called for by the resolutions of the competent organs of the United Nations. We believe that we have demonstrated here, after analyzing the regulations and practice of the United Nations – and, in particular, the cases that bear similarities and analogies with the Malvinas question – (invalid) in light of the applicable international law, and that in no way prejudices the Argentine sovereign rights over the Falkland Islands." [2227]

"The international response to the referendum was poor. Only Canada, Australia, Sierra Leone and the Caribbean Community expressed their support. … Much of this low support for the referendum at the international level was a response to the actions of the Argentine Foreign Ministry. The Argentine Ministry of Foreign Affairs used all its potential to ensure that there was no support or recognition for this referendum." [2228]

2225 *The Globe & Mail* March 17, 2013
2226 Willetts 2013 p.3
2227 *El referéndum de 2013 en Malvinas: una oportunidad para reforzar la posición Argentina* Luciano Pezzano 2013 p.30
2228 Romero 2020

"... at the time of the 2013 Falklands referendum there were 22 people of Argentine origin in the islands, of whom 16 had obtained Falkland Islands Status as "Argentine Incorporated Islanders" and were thus entitled to vote in the referendum. Five Argentine Incorporated Islanders identified themselves as Argentine citizens, so since there were only 3 "No" votes they cannot all have voted No." [2229]

"Article 1 (paragraph 2) of its Charter of the United Nations enshrines the right to 'self-determination for all people'. This stance, the British and Falklands governments claim, was confirmed once and for all by the referendum. ... Indeed, the Assembly has not considered the 'Falkland Islands (Malvinas) Question' nor adopted any resolution on the question since 1988 when resolution 43/25 reiterated its appeal for the dispute to be resolved through negotiations between the two governments. The case currently sits with the UN Decolonisation Committee." [2230]

In London, on the same day, PM David Cameron is quoted in Britain's newspapers as calling on Argentina to respect Islander wishes; *"David Cameron has called on Argentina to respect the wishes of the people of the Falkland Islands after they voted overwhelmingly for the territory to stay British in an unsurprising but still historical referendum that aims to send a defiant message to Argentina and the outside world. The prime Minister said Argentina should take "careful note" of the referendum result and that Britain would always be there to defend the Falkland Islanders."* [2231]

"For his part, the Prime British Minister did his thing. Announced that it put end point to the sovereignty dispute, as if he had any authority to impose that decision on Argentina." [2232]

Also on the same day, Argentina's Ambassador to the UK, Alicia Castro, challenges the referendum result; *"Self-determination is a fundamental principle of international law that is not granted to any settlers of a certain territory but only to the original "natives" that were or are being subjugated to a certain colonial power, and this is not the case of the Malvinas Islanders."* [2233]

"*... Argentina repeatedly rejected the exercise as illegal under the relevant United Nations resolutions on the question of the Falkland Islands (Malvinas) and as a serious distortion of the spirit of self-determination and a tautological exercise. Its position was generally supported by regional organizations such as MERCOSUR and the Union of South American Nations (UNASUR), which stated that the referendum "in no way changes the essence of the question of the Malvinas Islands" and that "its possible outcome will not end the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas."..."* [2234]

March 13th, Argentina's Congress rejects the referendum, calling the Islanders *"implanted settlers."*

"In Argentina the result was dismissed with angry words by the government of President Cristina Fernández de Kirchner. "We must denounce this trickery that pretends to represent the popular participation of an implanted population," said Senator Daniel Filmus, a close collaborator of the president. "This publicity stunt has no validity for international law." .." [2235]

2229 Pascoe 2020 p. 285

2230 Levey & Ozarow 2021. The UN neither recognised the referendum, nor dismissed it. The General Assembly continued in the silence maintained since 1988.

2231 Quoted in *The Guardian* March 12, 2013

2232 Berasategui 2013

2233 *Buenos Aires Herald* 12.3.13. In the real world, the right of self-determination is not limited to 'indigenous' peoples.

2234 *UN Doc A/AC.109/2013/14 Falkland Islands (Malvinas): Working Paper prepared by the Secretariat* March 18, 2013 (reissued April 12, 2013)

2235 *The Guardian* March 12, 2013

"Among the speeches in the Senate which had a greater impact was that of Senator Damiel Filmus, chairman of the Foreign Affairs committee and belonging to the ruling coalition, who said the (Falklands') vote was an "exercise of self satisfaction" and quoted a column from The Guardian which stated that "the only thing new we know is that there are three inhabitants in the Islands who do not agree" with British sovereignty." [2236]

"... once the result of the consultation held in the Malvinas Islands was known, President Fernández de Kirchner thanked all the political forces of the opposition for their "monolithic position on the Malvinas Question", alluding to the unanimous rejection of the referendum by both chambers of Congress and maintained that the vocation for dialogue and compliance with the UN resolutions "is the only way to achieve a solution that takes into account the interest of those who live on the islands"." [2237]

Archbishop Emeritus Desmond Tutu writes to *Penguin News*.

> *"I have followed with interest the referendum held to gauge the opinion of the people of the Falkland Islands with respect to their future relationship with the United Kingdom. That 92% of eligible voters cast ballots is admirable, while the fact that 99.8% of people voted for the Islands to remain a UK Overseas Territory is a very conclusive expression of their will ... Whatever decisions are eventually taken, it is important that the views of the people have been canvassed and that their opinion is taken into account."* [2238]

An Argentine Jesuit priest, and Archbishop of Buenos Aires, Jorge Matio Bergoglio, is elected by papal conclave to be the head of the Catholic Church in Rome. He takes the name Pope Francis.

"... (the Videla) regime's kidnap squads were given a wider remit to capture "all subversives, or their sympathisers, associates or anyone who might oppose the government". This indiscriminately swept into their net a wide swathe of the innocent public, intellectuals, lawyers, students, trade unionists, artists, journalists, nuns and priests, including members of the Jesuit Order then headed by the priest who was to become Pope... There was no public indication that he tried to protect them." [2239]

March 15th, the Falkland Islands Government notify the UN's Secretary-General of the referendum result. [2240]

> *"A total of 99.8 per cent of those who voted decided to maintain the current constitutional arrangement between the United Kingdom of Great Britain and Northern Ireland and the Falkland Islands Government. We believe this result is a clear and comprehensive expression of our wishes and very much hope that the United Nations will acknowledge and respect those wishes as the legitimate voice of the Falkland Islands people.*
>
> *The founding principles of the Charter of the United Nations and General Assembly resolution 1514 (XV) are clear on the primacy of respect for the principle of self-determination for all peoples. General Assembly resolution 1514 (XV) states that "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".*
>
> *This right is not qualified, and attempts to qualify it within the United Nations have been rejected. Though we value our links to the United Kingdom, we are our own community, free to determine our*

2236 *MercoPress* March 14, 2013
2237 Romero 2020
2238 *Penguin News* March 15, 2013. See March 27, 2012 above
2239 Briley 2022. Videl became President in Argentina following a 1976 coup.
2240 For Argentina's reaction, see June 12 below.

political future. The referendum result makes it clear that we have no desire to be governed by Argentina. Continued harassment of our economic development and intimidation of those who want to do business with us and invest in the Islands will not change this fact. The more Argentina presses our small community, the harder will be our resolve" [2241]

"The fact that only three people voted No led to intriguing suggestions that some Argentine Incorporated Islanders probably voted Yes. ... As a professional academic who approaches all political analysis with a sceptical demand for clear evidence, I have to admit that, had I not been in the Islands, I might have doubted whether the extraordinary result could be genuine. I had not expected the number of Islanders of foreign origin to be so high, nearly ***10%*** *of the electorate, nor for them to have originated from so many other countries. Equally, I would not have expected minorities to be so well integrated and to identify so strongly with the general community. Overall, I am convinced that a large majority of the St Helenians, Chileans, Argentines and those from the many other minorities who had gained Falkland Islands Status and become naturalised Britons did use their vote and did vote Yes."* [2242]

March 18th, Argentina's President has a meeting with the newly elected Pope Francis, during which she asks for his "*holy intervention*" regarding the Falkland Islands.

"The Argentine leader recalled John Paul II intervention during the conflict of Argentina with Chile over the control of the Beagle channel in the extreme south of the continent, which prevented a major armed conflict between the two countries in 1978. "Now we are facing another historic opportunity. Both countries have democratic governments and there is no danger of any was, except for the militarization of the South Atlantic", said Cristina Fernandez." [2243]

In New York, on the same day, at the UN, the Secretariat's working paper on the Falklands is published.

"Action taken by the General Assembly: By resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received." [2244]

March 20th, South American news agency, *MercoPress,* reports:

"Despite persistent claims before the world, and his Holiness, that the Malvinas Islands are Argentine, for the tax office in Buenos Aires in practical terms they really are a foreign country, according to the latest resolution which applies an additional fee of 20% to tickets and overseas expenditure with Argentine debit or credit cards. In effect any Argentine wishing to fly to the Islands and spend for lodging, food, travel and shopping is forced to pay with a debit or credit card which is then levied with an additional 20%, based on the latest resolution from the revenue office, AFIP."

2241 *UN Doc A/67/803.* Full letter here - https://falklandstimeline.files.wordpress.com/2022/09/transmits-letter-dated-14-mar.-2013-from-the-falkland-islands-malvinas-concerning-the-results-of-the-referendum-of-its-political-status.pdf

2242 Willetts 2013 p.34. My emphasis. I have seen it suggested that the three 'No' voters wanted full independence.

2243 *MercoPress* March 18, 2013

2244 *UN Doc A/AC.109/2014/15 Falkland Islands (Malvinas) Working paper prepared by the Secretariat March 12, 2014.* Another year had passed without a call by a member State of the UN for a debate on the Falklands question. Argentina is just such a member State *cf.* 2004

"While, according to the official Argentine Government view of things the Falklands or Islas Malvinas are part of Argentina. AFIP seems to regard the Islands as a foreign destination and subjects would-be travellers here to the same restrictions that apply to any foreign destination. Argentines wishing to travel abroad have to apply for a limited quota of dollars and to pay a premium which is now going up from 15 to 20 percent … In consequence of this omission, it is necessary for the would be Argentine traveller here to make the shameful declaration that he or she is travelling not to the Islas Malvinas or even the Falkland Islands, but to the United Kingdom." [2245]

March 22nd, from Stanley, *Penguin News* reports:

> *"… "I was surprised that such a small community with so few human resources to organise an electoral act did things so well, so properly, in conformity with international standards. This was a demonstration of a desire that this should be an act of value, not only in terms of its effects in the Falklands themselves, but also for the international image of a legitimate process".*
>
> *This was the opinion of Uruguayan parliamentarian Jaime Mario Trobo, who with his colleague and fellow parliamentarian Jose Carlos Cardoso, was in the Falklands to witness the referendum on March 10 and 11. As observers, Mr Trobo said that they had witnessed all aspects of the referendum. Their first concern had been the formal legal framework by means of which the citizens could express their views freely in a referendum. They were happy that the established forms and procedures were of an internationally acceptable standard and also that their practical application met the standards set.*
>
> *They had observed how easy it was for citizens to exercise their right to vote, the behaviour of the referendum officials, the casting of votes, the security of the ballot boxes, and finally the counting of the votes.*
>
> *Mr Trobo concluded. "We were able to observe that the process was perfectly in conformity with established international standards. We can say with absolute independence and regardless of the result, that this has been an exemplary civic act which we recognise as having been properly carried out".''*

In Quito, Ecuador, the 128th Assembly of the Inter-Parliamentary Union opens.

"Lawmakers from Argentina and the UK attending the 128th Inter-parliamentarian Union Assembly held in Ecuador have been holding intense but 'respectful' discussions about the Falklands/Malvinas sovereignty dispute. "A bilateral meeting between the two delegations has taken place in the framework of the inter-parliamentary assembly in Quito, it has been intense, but respectful given the different positions on such a sensitive issue" admitted Argentine member of the Lower House Mara Brawer. "Argentina has no intention of imposing its sovereignty over the Islands but demands that the UN resolutions on the dispute be complied and this means both sides have to sit down and dialogue". Brawer said the UK is not abiding the UN resolutions but in Quito "we managed a common ground to discuss" the issue. The Argentine lawmaker revealed that next June a delegation of British members of parliament will be visiting Argentina to address such issues as bilateral trade, cultural cooperation and "why not talks over the Malvinas sovereignty". … The lawmaker underlined that during the talks with the UK delegation in Quito "our delegation insisted that the Malvinas are Argentine and that the archipelago is an occupied territory and certainly not a colonized population but rather implanted". She also discarded that in the conflict "there is a third party", and the dialogue which the UN is claiming must take place between the governments of Argentina and the UK. Furthermore in the recent

2245 *Penguin News* March 22, 2013

referendum in the Malvinas Islands, "the local population that lives in the Islands acknowledged they were British, and thus ratified that they are not the third leg of the conflict". Finally the lawmaker which belongs to the grouping 'Victory Front' from President Cristina Fernandez and represents the City of Buenos Aires said that "how in the XXI century can we still have colonies?"..." [2246]

March 23rd, in the UK, Gibraltar's Chief Minister, Fabian Picardo, makes a speech at the *Sunday Times Oxford Literary Festival* in which he discusses the right of the peoples of non-self governing territories (NSGTs) to self-determination and the steps that both Spain and Argentina have taken to diminish that right.

> *"In recent years the latest ruse which has crept into the seminars organised by the United Nations is that Spain and Argentina have tried to create a flaw in the absolute nature of the right to self determination. The bright idea has been to suggest that the inalienable right of self determination is alienable in instances where the territory over which a people purport to exercise their right is subject to a sovereignty dispute.*
>
> *You can see the beauty of how Spain and Argentina have attempted to frame their con. By limiting the curtailment of the absolute right to self determination to cases of sovereignty disputes, they are, in effect, trying to tell the world – agree with us with no peril, as the only instances – or at least the most high profile – where the principle of self determination and sovereignty disputes collide happen to be the cases of Gibraltar and the Falkland Islands."*

March 25th, in New york, Argentina's Foreign Minister Timerman has a meeting with Secretary-General Ban Ki-moon to once again restate his country's claims. He is supported at the meeting by Foreign Minister Bruno Rodríguez Parrilla, of Cuba; Deputy Foreign Minister José Beraún, from Peru; and Uruguay's Foreign Minister, Luis Almagro. Timerman is reported as saying; "*Of course we would like the Secretary-General to wear down the other party and not be worn out."*

"Speaking for the Legislative Assembly, MLA Gavin Short said that "it is disappointing, though not surprising, that (Foreign Minister Hector) Timerman seems so anxious to discredit our referendum. Suggestions by the Argentine Government that our referendum was "illegal" and that it contravenes UN resolutions, or that the Falkland Islanders are proscribed by the UN from discussions on the future of our Island home, are all absurd and untrue: Mr Timerman frantic efforts to lobby the international community to ignore our voice strikes us here as the diplomacy of desperation"." [2247]

March 26th, Britain's UN Ambassador responds to the press release regarding Timerman's lobbying.

> *"It is disappointing that Mr Timerman and his colleagues spent so little time talking about the Falkland islanders and the wishes of the Falkland islanders. Their views are now unequivocally on the record and should be respected by all. Argentina's dismissal of the referendum as illegal and irrelevant is untenable."* [2248]

In Stanley, Dr. Peter Hayes, Director of the Foreign Office's Overseas Territories Directorate, warns that Argentina is likely to *"pull stunts of one kind or another"*, in an attempt to wear the Islanders down.

April 2nd, at Puerto Madryn, Argentina's President attends commemorative events to remember the 31st year since the invasion of the Falkland Islands by Argentine troops.

2246 *MercoPress* March 26, 2013
2247 *Ibid.*
2248 Quoted in *The Telegraph* March 27, 2013

"Argentine President Cristina Fernandez marked Tuesday's 31st anniversary of the start of the Falklands War by again demanding that Britain agree to discuss sovereignty over the Malvinas Islands. "Refusing dialogue is incomprehensible" said Cristina Fernandez at the Veterans Day ..." [2249]

From the Falkland Islands, MLAs Barry Elsby and Gavin Short tour South American countries to spread the Islanders' perspective regarding their right to self-determination and the effects of the Falklands referendum. Visits include Colombia, Panama, Mexico, Costa Rica, El Salvador, Honduras, Guatemala and Bolivia.

April 8th, Margaret Thatcher dies at the age of 87. Left-wing groups in Argentina describe her as a, *"war criminal."* Mike Summers, representing the Falkland Islands Government, says: "*She will be forever remembered in the Islands for her decisiveness in sending a task force to liberate our home following the Argentine invasion in 1982."*

April 9th, Argentina responds to Britain's letter of January 17th.

> *"The Argentine Republic rejects each and every one of the affirmations contained in the aforementioned British reply and reaffirms the statements made in its note dated 19 September 2012 (A/67/389). The British Government is once again seeking to legitimize its position on the question of the Malvinas Islands by misrepresenting historical facts with the firm intention of ignoring the act of usurpation that it committed in 1833,... In its letter, the Government of the United Kingdom makes no mention of the 32 Spanish governors who held jurisdiction over the Malvinas Islands from 1774 to 1811 or of the various jurisdictional actions performed by the Governments of the Argentine Republic since its independence from Spain, which demonstrate the exercise of Argentine sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and were carried out without any British protest. In particular, the letter makes no mention of the treaty on friendship and navigation between the Argentine Republic and the United Kingdom, concluded in 1825, the text of which does not contain any reservation in respect of Argentine jurisdictional acts over the disputed archipelagos, ..."* [2250]

April 15th, Argentina complains to the UN's Secretary-General about missile testing in the Falklands.

> *"These exercises form part of a long series of unilateral actions that the United Kingdom has carried out in violation of General Assembly resolution 31/49. The Naval Hydrographic Service of the Argentine Republic, after assessing the seriousness of the risks to the safety of navigation posed by the British exercises, and in the framework of its duties and responsibilities as coordinator of Navarea VI, the navigation area covering the South-West Atlantic Ocean, immediately issued a radio navigational warning expressly reserving Argentina's sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Argentina considers that this new unilateral British action is inadmissible and merely confirms that the United Kingdom can only justify its illegitimate presence in the South Atlantic through military might,.."* [2251]

"It is regrettable that the Republic of Argentina has again made unfounded claims of the United Kingdom's "militarization" of the South Atlantic, despite the many clarifications that my Government has provided and our repeated requests that the Republic of Argentina desist from making such false allegations." [2252]

2249 *MercoPress* April 3, 2013
2250 *UN Doc A/67/832*
2251 *UN Doc A/67/839*
2252 Response by the UK, dated May 13, 2013 in UN Document *A/67/865.* Testing takes place every 6 months.

April 17th, in Argentina, 1,600 teachers participate in a seminar organised by the Education Ministry.

"..."It is our duty, our obligation to teach Malvinas" said Education minister Alberto Sileoni on opening the seminar ... "The seminar is in the framework of the 180th anniversary of the Islands usurpation and a look on these last few years which are becoming more independent from the Malvinas war issue, which takes the 1982 events as just one moment in the 180 years struggle, and which takes that chapter and separates it from the dictatorship" ... He added that the new perspective invites to reflect and think about the oil and fisheries resources "which belong to our children and grandchildren and are being infringed by the United Kingdom. The 4.500 schools, a million teachers and 12 million students are always a vehicle and a tool to expose the truth and justice regarding Malvinas". ... He emphasized that one of the main arguments to support the decision to teach the Malvinas issue in schools is the recovery of the Islands through diplomacy and "this means making the new generations to love the Malvinas, and for this first they must know and be taught about the issue". Sileoni recalled that according to the Article 92 of the National Education bill the Malvinas issue is one of the three points that can't be left out of the school teaching programs..." [2253]

April 18th, in Washington DC, a resolution is introduced to the House of Representatives calling upon the United States to recognise that the Falkland Islands referendum reflects the freely expressed and democratic views of the Falkland Islanders. [2254]

"... a referendum by an insignificant number of Britons traveled the world, even meriting a resolution from a group of conservatives in the United States Congress." [2255]

April 27th, an Argentine radical group, *Resistencia Malvinas*, threatens a campaign against *Lan Chile*'s flight to the Falklands; demanding that Argentine airline, *Aerolineas Argentinas*, takes over the weekly flight.

May 2nd, in Buenos Aires, *Resistencia Malvinas* protest outside the *LanChile* offices, banging drums, displaying banners and burning Union Jacks.

May 3rd, President Cristina Fernandez commemorates the sinking of the cruiser *Belgrano* in 1982 with a speech in which she describes the British attack as; *"... a criminal and cowardly act."* [2256]

May 8th, in London, at the State Opening of Parliament, Queen Elizabeth II reaffirms her Government's commitment to the peoples of Gibraltar and the Falkland Islands.

In Argentina, Senator Daniel Filmus tells reporters that the Queen does not know that it is the 21st century. [2257]

May 14th, in the UK, *The Guardian* reports:

> *"The claim, often repeated in the media and by veterans' groups, that more Falklands vets had killed themselves than died fighting in the actual conflict, has been roundly rejected by a study especially commissioned by the Ministry of Defence. For years there have been reports that the suicide toll of Falklands vets exceeded the 255 who were killed in action during the conflict thirty years ago.*
>
> *The MoD statistical study, released on Tuesday, concludes that the risk of dying as a result of suicide for the Falklands vets was no different from the general population of the UK. Vets were actually 36% less likely to die than the general population over the same period of time, it says. ...*

2253 *Mercopress* April 17, 2013
2254 *113th Congress 1st Session H.Res.170*. Referred to the Committee on Foreign Affairs. Not adopted. See - https://www.govtrack.us/congress/bills/113/hres170/text
2255 Lerena 2013
2256 Argentina had, in 1994, accepted that the sinking of the ARA *Belgrano* (May, 1982) was a legal act of war.
2257 *MercoPress* May 9, 2013

The MoD points the finger at the Daily Mail and BBC in particular for reporting claims that more Falklands vets had committed suicide than were killed in the war."

May 28th, Britain responds to Argentina's response of April 9th.

"… the historical facts and legal position on this issue are clear. British sovereignty over the Falkland Islands dates back to 1765. This was some years before the Republic of Argentina even existed. The United Kingdom established its first settlement on the uninhabited islands in 1766. The Republic of Argentina refers to the 1833 act of usurpation which it alleges the British Government committed. Once again, the British Government must reiterate the historical facts.

In 1832 an Argentine military garrison was sent to the Falkland Islands in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and quickly expelled the Argentine military garrison, on 3 January 1833. The civilian population, who had previously sought and received British permission to reside on the Islands, was encouraged to remain. The large majority voluntarily chose to do so.

The United Kingdom has never implanted any civilian population; all civilians have voluntarily migrated to, or been born in, the Falkland Islands. Civilian migrants voluntarily settled on the Islands from a large number of countries, as they did throughout the whole Americas region, including Argentina, during the nineteenth century. Many of today's Islanders can trace their roots on the Falklands back eight or nine generations.

Fundamentally, the Republic of Argentina bases its claim to the Falkland Islands on the principle of disruption to its territorial integrity. This claim is without foundation, as the Islands have never legitimately been administered by, or formed part of, the sovereign territory of the Republic of Argentina.

The 32 Spanish governors which Argentina argue held jurisdiction over the Falkland Islands from 1774 to 1811 (and therefore demonstrate the exercise of Argentine sovereignty) did not settle the Islands or govern a population of civilians. Nor did they refute the British claim of sovereignty dating to 1765. The historical record shows that these individuals performed the function of commanders of the penal colony the Spanish had established on the Islands. As such, their authority was over the prisoners and their guards. At this time no other population, apart from some (mixed nationalities) whalers, fell under their jurisdiction…

In their letter dated 9 April, the Republic of Argentina mentions the treaty on friendship and navigation between the Argentine Republic and the United Kingdom, concluded in 1825, but does not also refer to the Convention of Settlement, ratified in 1850 by the British Government and the Republic of Argentina which comprehensively settled all existing differences and established a "perfect friendship" between the two States. Subsequent to this ratification, the Republic of Argentina submitted only one official diplomatic protest regarding the Falkland Islands during the following 90 years. This shows that the matter had been settled to the satisfaction of the Argentine Government at that time." [2258]

2258 *UN Doc A/67/880*. This rejection was itself rejected in a letter from Argentina to the UN dated August 9, 2013 (*UN Doc A/67/954*)

May 29th, in Quito, Ecuador, during a presentation to the UN's Decolonization Committee seminar, MLA Mike Summers challenges the committee which has "*failed to reduce the number of listed territories.*"

"The United Nations C24 Committee has traditionally been unsupportive of the Islanders' wish to remain a British Overseas Territory, viewing the Islands as a 'colony', however. MLA Summers made it clear: "Colonialism in all its forms are abhorrent to us all". As such he asked members: why the list has not changed, asking if the C24 lacked the will to remove countries from the list, "or is it that it does not have the mechanism. The answer I believe is both". ... He pointed out that the list was created over 50 years ago. when the world was a very different place, and that the committee's thinking about those left on the list, "has not evolved with time". He said a cursory glance at the list would tell anybody (hat several of the listed territories, "are not ready for independence, and many have found an accommodation with a so called administering power that suits them and that they wish to continue with". He suggested to the C24 that it, "look at the territories on a case by case basis". ... He added: "If a territory has reached an accommodation with another country with which they are satisfied, what place has the C24 to tell them they should not be satisfied? If a people has decided of its own free will that it does not wish to seek independence or integration, who is the C24 to tell them they must? If a territory wishes to be removed from the list of NSGT's free of coercion from others, why should that not be permitted to happen?" He said there were concerns in the NSGT's that the C24 was not listening to them, and what they wished for their countries." [2259]

June 5th, in Uruguay, in the Lower House of Parliament, lawmaker Jaime Trobo, one of the observers at the Falklands' referendum, questions his Government's policy on the Falkland Islands and its unquestioning acceptance of Argentina's position.

> *"Trobo recalled the close links that historically existed between Uruguay and the Malvinas community and more recently the fluid trade involving mainly fisheries and general cargo which has ceased since the 'sanitary ring' imposed by Argentina and supported by the Uruguayan government, which has not impeded the Malvinas Islands vessels to operate in south Brazil ports. "We do not admit that the Islands community is not recognized, and considered as alien to the South American coast" emphasized Trobo who called for solidarity with the 'kelpers' and rejected the de facto Argentine blockade of the Falklands."* [2260]

June 6th, in Guatemala, at an Organisation of American States (OAS) conference a motion supporting Argentina's claim to the Falklands is opposed by Canada. The USA abstains.

June 8th, in Wales, UK, a charity trek Walk on Wales 2013 commences involving a continuous 250-mile route around the coastline of Wales in seven days. To commemorate the Welsh Guardsmen lost at Fitzroy in the Falkland Islands on June 8, 1982.

June 10th, in Buenos Aires, on Argentina's "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector", the government reaffirms its "*inalienable rights*" over the Falklands.

> *"Each 10 June Argentina recalls creation day in 1829, of the Political and Military Command of the Malvinas Islands and those adjacent to Cape Horn by the government of the Province of Buenos Aires. Since its independence from Spain the Argentine to government "as heir of the austral territories and the adjacent maritime spaces which had belonged to the metropolis" exercised its rights sustainedly, proceeded to write norms and the establishment of juridical and administrative for*

2259 *Penguin News* May 31, 2013
2260 *MercoPress* June 5, 2013

the consolidation of juridical and administrative structures that consolidated the exercise of sovereignty over the territories." [2261]

"It is clear that, 48 years after the enactment of UN Resolution 2065, which invited the parties to negotiate, the United Kingdom of Great Britain and Northern Ireland has ruled out negotiations with Argentina; and that, given the military power it has demonstrated in the Malvinas Islands, its option is force. It is up to us Argentines to prepare the best possible scenario to eliminate British interests in the Malvinas Islands; so that the efforts of those who lost their lives for our sovereignty will not have been in vain." [2262]

June 12th, in a letter addressed to the UN Secretary-General, Argentina rejects the Falklands referendum result.

"The Government of the Argentine Republic rejects in its entirety the content of document A/67/803, whereby the United Kingdom once again contravenes United Nations resolutions on the question of the Malvinas Islands by requesting circulation of a letter from the alleged representatives of a colonial territory that has a transplanted population and is the subject of an internationally recognized sovereignty dispute. …

The Government of the United Kingdom has refused to engage in the dialogue to which the international community has called both parties to the dispute, thereby neglecting its responsibilities and obligations as a Member of the United Nations. Moreover, it has unilaterally conducted a poll of the settlers it implanted in the Malvinas Islands to consult them on issues that seek to distort the true legal status of these islands, whose predictable outcome merely advocates the perpetuation of the existing colonial situation.

The Argentine Republic wishes to reiterate that the principle of the self-determination of peoples, which is the only argument invoked by the United Kingdom in support of its position and which it raises exclusively in connection with the Malvinas Islands, is totally and evidently irrelevant and inapplicable to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

In Argentina's view, the conduct of a vote among the British citizens residing in the Malvinas Islands in no way alters any aspect of the question of the Malvinas Islands…" [2263]

In Guyana, writing in the *StabroekNews*, Britain's High Commissioner addresses the question of the Falkland Islands.

"The facts are straightforward: The Falklands have never been part of Argentina and never will be until the residents of those Islands (comprised of 33 nationalities, including Argentine) decide they want that. Their opinion is clear: 99.8% voted for the Falkland Islands to remain a British Overseas Territory (ie part of the United Kingdom) in March's referendum. So that is what they will remain. Just because the Falkland Islands' nearest neighbor is Argentina (400 miles away) does not make the Falklands Argentine. Expanding such thinking leads to unjustified and unjustifiable claims by others to sovereign territory. Imagine the consequences if every country said that any land 400 miles from its internationally recognized border was theirs? Most countries, including Guyana and the United Kingdom, would cease to exist." [2264]

2261 Quoted in *MercoPress* June 10, 2013 See 1829, 1832 & 1833
2262 Lerena 2013
2263 *UN Doc A/67/891*
2264 High Commissioner Andrew Ayre quoted in *MercoPress* June 14, 2013

June 20th, in New York, at the UN, the Special Committee on Decolonization commences its annual review of the issues surrounding the decolonization of the Falklands Islands. [2265] Representatives of the Islands people are Sharon Halford and Mike Summers. Petitioners for Argentina – María Angélica del Carmen Vernet and Alejandro Betts. MLA Halford addresses the Committee; *"... the people of the Falkland Islands had exercised their right to self-determination in March 2013, in accordance with General Assembly resolution 2625 (XXV), by holding a referendum on the political status of the Territory. The referendum had been proposed and organized by the Government of the Falkland Islands. The United Kingdom had agreed in advance to accept the outcome, unlike the Government of Argentina, which continued to refuse to recognize the Islanders' basic human rights. The referendum had been monitored by a team of eight independent international observers, who had found it to be free and fair..."*

MLA Summers also speaks to the committee; *"... the Committee had failed to deliver on its responsibility to help the remaining Non-Self-Governing Territories to achieve a political status that was acceptable to them because it prioritized the interests of certain Member States over the wishes of the people it was supposed to be assisting. The right to self-determination was integral to the decolonization process and the people of the Non-Self-Governing Territories had a right to be involved in all discussions about their future. ... The British claim to sovereignty over the Falkland Islands dated back to 1765, several decades before the Argentine Republic had been established; that claim had never been renounced. ... The members of the Committee were expected to set aside their geopolitical alliances and friendships and to support the right of the people of the Non-SelfGoverning Territories to choose their political status, irrespective of competing sovereignty claims. By its own admission, the Committee had failed in its duty for the past 20 years.*

"..."To advance, or support, claims to the Falkland Islands, or any other territory', in this forum, is an abuse of this Committee's purpose", Member of Legislative Assembly Mike Summers told the UN Committee of 24 on Decolonisation (C24) in New York on Thursday. In something akin to a pincer movement. MLA Summers and MLA Sharon Halford in their speeches to the annual meeting, first, with reference to the results of the recent referendum, promoted Islanders' right to self determination, and then reprimanded the committee for not putting first, "those people for whom they have assumed responsibility". ... MLA Halford also reminded the Committee, which aims to, 'decolonise' remaining Non Self Governing Territories (NSGTs) under which the Falklands is classified at the United Nations: "The right of Falkland Islanders to determine their own future is unequivocal. The principle of self-determination is enshrined in Article 1. paragraph 2, of the Charter of the United Nations". ... MLA Summers reminded the C24 delegates that it was not the purpose of the C24 to hear, or discuss, or have any opinion on the sovereignty of a territory. "This Committee is not charged by the Secretary General or the General Assembly with discussing or resolving sovereignty disputes. And to advance, or support claims to the Falkland Islands, or any other territory, in this forum, is an abuse of this Committee's purpose". he said. "Nor is it this Committee's responsibility to judge whether or not any particular territory on the C24 list is entitled to self-determination. According to UN Resolutions 1514 and 1654 every territory on the list is entitled to self determination", he added." [2266]

Petitioner Alexandro Betts tells the Committee; *"... that the British policy with regard to the legal and political status of the Malvinas Islands, which it occupied illegally, was based on the "wishes" of those who lived there. By law, however, those wishes did not constitute grounds for sovereignty when expressed by the inhabitants of a Territory that was the subject of a sovereignty dispute. Neither the United Nations nor Argentina had recognized the inhabitants of the Malvinas as a people with its own legal personality distinct from that of the United Kingdom. In the unlawful 2013 referendum contrived by the British Government, which had had a*

2265 *UN Doc A/AC.109/2013/SR.8*
2266 *Penguin News* June 21, 2013

predetermined outcome, the Islanders themselves had openly asserted that they were indivisible from the people of the British Isles and were not the victims of alien subjugation, domination or exploitation. They therefore did not meet the conditions to benefit from the right to self-determination." [2267]

María Angélica Vernet says that; *"... she was a descendant of Luis Vernet, the first political and military commander for the Malvinas Islands who had been appointed in 1829 as part of Argentina's effort to consolidate its sovereignty over the Islands, which Spain had exercised without interruption since 1767."* [2268]

Chile, on behalf of Bolivia, Cuba, Nicaragua and Venezuela, introduces the standard form, annual draft-resolution, calling for sovereignty negotiations. [2269]

> *"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."*

As an observer, Argentina's Foreign Minister, Héctor Marcos Timerman, addresses the Committee. He says; *"... that the colonial dispute that had begun 180 years earlier, when a British naval force had expelled the legitimate Argentine authorities and population from the Malvinas Islands on 3 January 1833, remained unresolved. That unjustified act of aggression by the British Empire against a new Latin American republic, with which it had enjoyed peaceful diplomatic relations since 1825, had been carried out as part of an expansionist policy and had compromised the territorial integrity of Argentina. It was incredible that that vestige of colonialism continued to exist in the twenty-first century, 14,000 kilometres from London. In 1829, the British Prime Minister had examined all the documents related to the Malvinas and had concluded that it was not clear that his country had ever had sovereignty over the Islands."* [2270]

As in previous years the Committee adopts the draft-resolution without a vote.

After adoption by consensus, Committee member Sierra Leone comments; *"... that by General Assembly resolution 637 (VII), the States Members of the United Nations had undertaken to uphold the principle of self-determination of all peoples and nations and had recognized self-determination as a prerequisite to the enjoyment of fundamental human rights. There was no dispute that the people of the Falkland Islands (Malvinas) had the right to self-determination, and subjecting peoples to alien domination violated their fundamental right to freely determine their political status and pursue their economic, social and cultural development. The rights, interests and wishes of the inhabitants should therefore be paramount in any negotiated settlement. Non-Self-Governing Territories had different needs, expectations and concerns, and the Committee should therefore deal with them on a case-by-case basis. His country had maintained the consistent position that any solution that failed to respect the Islanders' right to self-determination would not be durable and that the issue should be resolved through a peaceful and negotiated settlement. Lastly, the Committee should accept the Islanders' invitation to visit the Islands to assess the situation on the ground."* [2271]

2267 The UN had recognised the islanders as a people in 1952 when the territory was listed as a NSGT. Without a people, the territory was not eligible for listing. That is the reason that South Georgia and the South Sandwich islands are not so listed by the UN as NSGTs. *cf.* 1952 for the requirements for listings.

2268 See 1829

2269 *UN Doc A/Ac.109/2013/L.7*

2270 *UN Doc A/Ac.109/2013/SR.8.* Prime Minister Lord Wellington in 1829 had said that he was uncertain whether Britain had ever held sovereignty over **all** the Islands. In 1811, on withdrawing its garrison, Spain had only claimed the Island of Soledad (East Falkland Island). See - https://falklandstimeline.files.wordpress.com/2018/09/88740.pdf

2271 *UN Doc A/Ac.109/2013/SR.8* para.48

In London, after the session has finished, a Foreign Office spokesman is quoted as saying that the Decolonization Committee; *"... no longer has a relevant role to play with respect to British Overseas Territories."*

> *"To describe our relationship with them as colonial is insulting to both them and us. We are committed to a modern relationship based on partnership and shared values. The people of each Territory have the right to choose whether or not to remain a British Overseas Territory. Any decision to sever the constitutional link between the UK and a Territory should be on the basis of the clear and constitutionally expressed wish of the people themselves. We believe that the UN Decolonisation Committee should de-list Territories where this is their wish. In the case of the Falkland Islands, the people there are British and wish to remain so – as clearly demonstrated by the 99.8% YES vote in the March referendum."* [2272]

"The international law impact of the consultation (referendum) was reflected in the last June session of the Decolonization Committee, where the islanders did not manage to modify one iota the position adopted by that body, favorable to the resumption of negotiations with London." [2273]

June 25th, in the USA, MLA Mike Summers speaks to *The Washington Times*; *"This week, one of my fellow Falkland Islanders and I are meeting with members of Congress to share our story. Last week, we were in New York for the annual meeting of the United Nations Committee on De-Colonization, which is charged with assisting territories that are not self-governing with achieving a political status that is acceptable to them. It is not the purpose of the committee to have an opinion on the sovereignty of a territory. Yet sadly, every year the committee engages in a distracting argument over sovereignty based on deliberate distortions spread by the Argentine government, rather than a discussion about our right to self-determination."* [2274]

June 30th, at the end of the Falkland Islands Government's financial year; *"According to the administering Power, the 2012/13 operating budget amounted to approximately £54 million. The Territory makes every effort to maintain a balanced budget."* [2275]

July 1st, in Vienna, speaking at the International Atomic Energy Conference on Nuclear Security, Minister Timerman warns of the dangers inherent in the UK's *"militarization in the South Atlantic Ocean"*.

July 3rd, Argentina's National Congress passes a law (26.875) for a Marine Protected Area around Burdwood Bank (Namuncura). The area falls partially within the Falklands Economic Zone.

"The Falkland Islands Government has rejected Argentina's inclusion of an area of the Burdwood Bank which falls within the Falklands Inner and Outer Conservation Zones (FICZ and FOCZ) as part of a Marine Protected Area (MPA). FIG, however welcomed the announcement by the Senate of Argentina of the establishment of an MPA within the area of Burdwood Bank which lies within the Argentine Economic Zone, describing it as a, "positive step", in the interest of marine conservation and fisheries management. MLA Barry Elsby stated that practical cooperation on safeguarding straddling fish stocks was the responsibility of both the Falklands and Argentina." [2276]

2272 *MercoPress* June 20, 2013
2273 Berasategui 2013
2274 Republished in *MercoPress* June 26, 2013
2275 *UN Doc A/AC.109/2014/15 Falkland Islands (Malvinas) Working paper prepared by the Secretariat March 12, 2014*
2276 *Penguin News* August 9, 20123

"... with the aim of demonstrating that Argentina also has the will to protect the environment promoting scientific research and the sustainable use of natural resources, trying to prevent the United Kingdom from using them in their own way." [2277]

On the same day, *Radio Nacional* from Radio Grande starts to broadcast news, in English, targeted at the Falkland Islands; *"The new's bulletin prepared by Radio Nacional, Buenos Aires through Radio Argentina at Exterior will be broadcast at the break of every day'. It is reported that so far the bulletin only produces Argentine news. Not surprisingly it has been named the "Calling the Malvinas" service."* [2278]

"The brief bulletin, so far only with Argentine news, is broadcast from Rio Grande since they have the necessary emission power to reach the Falkland Islands, according to local reports. "It was really exciting, thrilling to broadcast the first news bulletin for the English speaking residents of Malvinas; this is very important because of the links we expect to establish", said Leda Soto the broadcaster from the night shift who inaugurated the "calling the Malvinas" service. Ms Soto that for some time now "we had been thinking of implementing the project and finally last night it became true. The news report is made up in Buenos Aires; then they send it to us in Rio Grande, we edit it and put it on the air to the audience in Malvinas"." [2279]

July 5th, Uruguayan newspapers note the arrival of Falklands flagged ships at the port of Montevideo.

"The ships with the Malvinas flag, which in the last week arrived at the ports of Montevideo and Punta del Este, carried out provisioning and transshipment of merchandise. At the Mercosur summit held in December 2011, Uruguay, like Chile, Brazil and Paraguay, pledged to adopt measures to prevent the entry of illegal flag ships from the Islands into their ports, as a sign of solidarity with Argentina in its claim for the sovereignty of the Falklands." [2280]

July 9th, in New York, at the UN, the Special Committee on Decolonization submits its annual report. As in all the years since the change of format for the report (1999), the Committee does not list its own Falklands resolution among those resolutions and decisions recommended for adoption by the General Assembly. [2281]

In Uruguay, on the same day, a '*Malvinas Forum*' presents a paper entitled, *Visiones uruguayas sobre Malvinas*. Compiled by the ex-press officer of Argentina's Embassy in Montevideo, Ramiro Podetti, the booklet presents a partial view as to questions of Falklands sovereignty. [2282]

> *"With the presence of high-ranking Uruguayan and Argentine authorities, the Malvinas Forum in Uruguay and the Argentine Embassy presented the book "Uruguayan Visions of the Malvinas", a work in which representatives of Uruguayan politics, diplomacy and culture present their interpretation of the claim to sovereignty in the South Atlantic from different perspectives. ... Among other articles, which extend over more than 350 pages, the most notable is the intervention of the Uruguayan Ambassador to the United Nations, Carlos María Velázquez, in 1964, which is famous among diplomats from all over the world for his solidity in defending the Argentine right of sovereignty over the Malvinas Islands and for his profound criticism of colonialism."*

2277 Eissa 2019

2278 *Penguin News* July 5, 2013. After the BBC's *Calling the Falklands.*

2279 *MercoPress* July 5, 2013

2280 *Barcos con bandera de Malvinas operaron en Uruguay* Karina Fernandez July 5, 2013. One Spanish ship was en-route to Spain after fishing legally within Falklands waters. A second vessel was transshipping fish at Montevideo.

2281 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2013 A/68/23.* The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. See 1989 & 1990

2282 Unadulterated Argentine propaganda. See - https://falklandstimeline.files.wordpress.com/2022/09/visiones-uruguayas-de-la-cuestion-malvinas-2013.pdf See also January, 2013 above.

July 11th, from Uruguay, South American news agency, *MercoPress,* reports; *"Falklands Islands received €4.13 million from the European Union to support sustainable growth through economic diversification under the European Development Fund (EDF) through mid-2013 to early 2016. ... The EU release points out that the Falkland Islands have a proven record of making good use of EDF support and the Islands Plan 2012-2017 provides a suitable framework, particularly as it is focused on economic diversification to mitigate the economic volatility associated with its major industry."*

August 5th, at the United Nations, President Fernandez, taking her country's place in a rotating chair of the Security Council, calls for Anglo-Argentine negotiations on sovereignty to be restarted. Some members of the Council complain that the Falklands are not on the agenda and the issue should not be raised.

"President Cristina Fernandez, CFK, used the opportunity of Argentina at the rotating chair of the United Nations Security Council to demand an end to the veto power of its five permanent members (United States, Russia, China, Britain and France), and criticize the UK refusal to engage in Falkland Islands sovereignty discussions." [2283]

August 6th, Britain's Ambassador to the UN, Mark Lyall Grant, responds to the comments from the Security Council Chair

> *"President Kirchner said in the Council that the United Kingdom and Argentina should discuss the Falkland Islands. I want to reiterate that any such discussion is not just a matter for the two governments. There are three parties to the debate. The views of the people of the Falkland Islands cannot be dismissed.*
>
> *There can be no discussion on the sovereignty of the Islands unless and until the Islanders so wish. They made their views unequivocally clear in the referendum in March when they voted overwhelmingly to remain a UK Overseas Territory. The United Kingdom fully respects all its obligations and responsibilities as a member of the United Nations. The principle of self-determination on which our position on the Falkland Islands is based is enshrined in the UN Charter."* [2284]

August 9th, Argentina responds to Britain's explanation of history in Lyall Grant's letter of May 28th.

> *"The Argentine Republic rejects each and every one of the claims contained in the aforementioned British reply. It is not our intention at this time to reiterate the numerous and irrefutable historical arguments we have set out ..."*

August 14th, in the Islands, *Falkland Islands Day* celebrates the first recorded sighting of the archipelago in 1592 by John Davis from his ship *Desire*.

August 20th, in Buenos Aires, the Argentine Senate's International Affairs Commission, holds a forum entitled '*Malvinas Question*.' Attendees include Ambassador Alicia Castro, Daniel Filmus and Marcelo Kohen.

"Ambassador Castro further signalled that the British stance over the disputed Falklands/Malvinas islands is "no more than imperialism and colonialism", and that "it derives from the imperial politics of the UK and their need to hold a strategic position in the South Atlantic that gives them dominion of the seas". Finally the Argentine diplomat said that the Falklands March referendum "was extraordinarily useful for us" because is evidence to show the world and common people that the London position on the dispute "is not rational"." [2285]

2283 *MercoPress* August 7, 2013

2284 Quoted in *MercoPress* August 6, 2013

2285 *MercoPress* August 20, 2013. Controversially, Castro was reported as referring to Britain's Prime Minister David Cameron as 'dumb'. She later claimed that her words had been taken out of context.

August 22nd, the Consejo Argentino para las Relaciones Internacionales (CARI) hold a seminar which is attended by South Atlantic Council (SAC) Honorary Secretary Robin Wallis.

> *"... in an interview with The Guardian during his visit to London in February 2013, the Argentine Foreign Minister predicted that the sovereignty dispute would be resolved in Argentina's favour 'within 20 years'. Such confidence adds a stabilising factor to the dispute. It is reminiscent of the Marxists who governed parts of Europe during the twentieth century in the certainty that, in keeping with Marx's writings, history was working inexorably in their favour. They needed to do nothing intemperate or rash: history was on their side. If the Argentine Foreign Minister sleeps peacefully in his bed, sure in the knowledge that the dispute will be happily resolved in his lifetime, it must be because he believes that certain things are going to happen. Chief among these is that the House of Commons and the House of Lords are going to vote in favour of a change in the status of the Falkland Islands. Falkland Islanders sleep very peacefully in their beds secure in the knowledge that the British Parliament will change nothing about the Islands' status unless they approve it ."* [2286]

August 23rd, from Uruguay, *MercoPress* reports.

> *"During an anti-nuclear weapon conference held in Buenos Aires, Argentine President Cristina Fernández criticised the right of veto used by the five permanent members of the United Nations Security Council which she described as an "out of time" instrument and again attacked the UK for 'sending nuclear submarines' to the Falkland Islands and called for a region of peace in the South Atlantic. "When one wants to solve a conflict and gives someone else the right to veto, surely the problem will not be solved. We live in a complicated world, with bad interpretations and you see the global powers' inability to solve conflicts that are making humanity bleed", said Cristina Fernández at the closing ceremony of the Agency for the prohibition of nuclear weapons in Latin America and the Caribbean conference."* [2287]

In an immediate response, the British Embassy in Buenos Aires says; *"... the allegations that the UK is militarizing the region are totally false. Our defence stance has not changed in years. The defence of the Islands represents 0.5% of the total UK defence budget and less than 0.1% of total government spending."* [2288]

The government in Buenos Aires bans four oil companies exploring in Falklands waters from operating in Argentina for 20 years – *Borders & Southern Petroleum, Desire Petroleum, Argos Resources* and *Falklands Oil & Gas*. [2289]

"Argentine authorities said the oil firms were operating under an "illegitimate license to explore for oil and gas in areas near the Malvinas that was granted by the illegitimate government that controls those Islands"." [2290]

September 6th, in Johannesburg, at the end of the Commonwealth Parliamentary Association conference, a motion recognises the Falkland Islands Referendum as a free and fair expression of the Falkland Islanders wishes and their right to self-determination.

2286 Extract of Wallis's speech, which can be found in full here - https://www.staff.city.ac.uk/p.willetts/SAC/OP/OCCPAP13.PDF

2287 The only right of veto at the United Nations is within the Security Council. This is due to the wording of Art. 27 of the UN Charter which states that resolutions can only be passed with the "*affirmative vote of nine members [out of 15] including the concurring votes of the permanent members*." There is no right of veto in the General Assembly.

2288 *MercoPress* August 23, 2013

2289 *Premier Oil PLC* was added a week later.

2290 *MercoPress* August 23, 2013

September 17th, at Stanley, a party from Panama's National Assembly arrives for a week-long fact-finding visit. Representative Dalia Bernal tells a press conference that the Islands referendum result needed to be taken seriously. Other members of the fact-finding group are Jorge Gantes and Renaul Dominguez (*Partido Revolucianario Democratico*), Yanibel Arego (*Cambio Democratico*).

Uruguay's press notes a paper circulating Government departments concerning the country's potential claims in the Antarctic; based on historic rights Uruguay believes it may have to the Falkland Islands. The document is signed by Senator, Presidential hopeful and historian, Constanza Moreira. Uruguayan newspapers quote a paragraph from the unpublished document.

> *"…. an Advisory Committee will be named comprising historians, geographers, jurists, diplomats, politicians and the military to discuss in depth the issue and to adopt a well founded position. … taking into account that the presence of Uruguay in Antarctica is upheld in the Spain-Uruguay Treaty (1841, ratified in 1846) which grants Uruguay sovereignty over the Malvinas Islands and the lands dependent from the River Plate naval station."* [2291]

"Uruguay has founded claims over Malvinas Islands sovereignty based on international treaties and proclamations dating back to the nineteenth and eighteenth centuries, according to a paper put to consideration of the ruling coalition program draft committee, it was revealed by the Montevideo press. The document of limited circulation, and belonging to the Defence ministry orbit, was signed by Senator Constanza Moreira who belongs to Uruguayan President Jose Mujica's political sector and calls for the naming of a committee to study Uruguay's rights over the Malvinas Islands sovereignty. Senator Moreira who is a political scientist and historian, … says the committee should be made up of historians, geography experts, jurists, diplomats, politicians and military officers, and recalls that Uruguay's presence in Antarctica as a member of the Antarctic Treaty is based "on the Spain-Uruguay Treaty of 1841 which awards Uruguay sovereignty over the Malvinas Islands". …" [2292]

September 18th, Argentina complains to Panama about the arrival of its lawmakers in the Falklands.

September 19th, following a furore in Argentina about Uruguayan suggestions that it too may have a claim to the Falklands, Uruguyan Senator, Constanza Moreira, clarifies that she is: *"… in total agreement with Uruguay's attitude of consequent, coherent and systematic support of Argentina's claim over the Islas Malvinas."* [2293]

"… the whole incident, which does not deny the Uruguayan Malvinas hypothesis, as a working paper, most probably was leaked to the press from inside government as a 'political trip' for the protesting Senator which, reading the clarification, prefers to attack the messenger and not the message." [2294]

September 24th, in New York, Argentina's President gives a speech at the opening of the UN's new session.

"Argentine President Cristina Fernández used Tuesday's speech in before the UN General Assembly to once more criticize British military movements in the South Atlantic, condemning the use of nuclear submarines around the disputed Falklands/Malvinas Islands." [2295]

September 25th, Britain's representative at the UN responds.

2291 Ratified by Uruguay, but not by Spain.
2292 *MercoPress* September 18, 2013
2293 *MercoPress* September 19, 2013.
2294 *Ibid.* Leaked to stymie the Senator's chances in the upcoming Presidential election?
2295 *MercoPress* September 25, 2013. No evidence for the presence of submarines was offered.

"The Republic of Argentina's claims that the United Kingdom is militarizing the South Atlantic are wholly false. The United Kingdom has maintained a defensive military posture in the South Atlantic since the Republic of Argentina illegally invaded and occupied the Falkland Islands in 1982 and ignored a binding Security Council resolution to withdraw from the Islands. Since then, garrison numbers have been reduced to the minimum necessary for the Islands' defence." [2296]

October 7th – 14th, the UN's Fourth Committee commences its annual review of the work of the Special Committee on Decolonization. The UK informs the Fourth Committee that; *"A referendum had been held by the elected representatives of the Falkland Islands to seek the views of the people. … An overwhelming majority of the population – 99.8 per cent – voted to remain an Overseas Territory of the United Kingdom."*

Argentina's Deputy Permanent Representative responds: *"Any attempt to allow the British population on the islands to arbitrate a dispute to which their own country was a party distorted the right of self-determination of peoples, given that the situation did not involve a people subjugated, dominated or exploited by a colonial Power. Accordingly, …, the illegitimate "referendum" unilaterally organized by the United Kingdom in March 2013 in no way changed the essence of the question and did not affect Argentina's undeniable rights of sovereignty."* [2297]

October 14th, concluding its examination of all decolonization matters, the Fourth Committee forwards 11 draft-resolutions to the General Assembly. With no recommendation by the Special Committee for the adoption of its Falkland Islands resolution, no further action is taken on that question.

"Reiterating its conviction of the need for the eradication of colonialism, the Fourth Committee today concluded its annual consideration of the question of decolonization, and forwarded 11 draft resolutions to the General Assembly, six of them approved without a vote. Continuing its tradition, the Committee approved by consensus its omnibus draft resolution on Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, Turks and Caicos Islands and the United States Virgin Islands. That text would have the General Assembly reaffirm that, in the process of decolonization, there was ***no alternative*** *to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions."* [2298]

Exercising a right of reply, Argentina's representative states; *"The illegitimate vote held in the Malvinas Islands was another unilateral act, which did not affect the rights of Argentina. The solution to the dispute did not depend on the results of an alleged referendum in which the subjects of the British Crown were asked if they wished to remain British. In the question of the Malvinas Islands, there were no people subject to the subjugation of a colonial Power."* [2299]

October 23rd, members of Panama's National Assembly sign a resolution calling for an *'Inter-Parliamentary Friendship Group'* with the Falkland Islands Government; having the objective of promoting cultural and diplomatic ties between Panama and the British Overseas Territory. Panama's press report that the measure breaks Latin-America's "*historic*" support for Argentina's sovereignty claims. [2300]

2296 *UN Doc A/68/525: Letter dated 25 September 2013 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

2297 Argentina's Deputy Permanent Representative quoted in *UN Doc A/AC.109/2014/15 Falkland Islands (Malvinas) Working paper prepared by the Secretariat March 12, 2014*

2298 *GA/SPD/528 – 533*. My emphasis. Of general application, this statement remained a nuisance to Argentina until 2016.

2299 *Ibid. cf.* July & October, 2004

2300 *Penguin News* October 25, 2013. See September, 2013 and November, 2013, below.

November 1st, in London, in a letter to *The Times*, Ambassador Alicia Castro refers to President Cristina Kirchner; *"Our president who rejects the military junta which launched the 1982 armed conflict is calling for a peaceful dialogue and negotiation, supported by the international community, while the UK government insists in militarizing the South Atlantic to dissuade an invasion that will never occur."*

In Montevideo, on the same day, Mario Baubeta, president of Uruguay's Navigation Centre, claims that the ban on Falkland flagged vessels has cost his country $60 million.

"... "Each of those Falklands' flagged vessel operating in Montevideo represented 900.000 dollars in direct income" said Jose Pedro Pollak a former member of Uruguay's national administration of ports, ... This adds up to at least 58 million dollars and 72 million if all Malvinas flagged vessels access the port of Montevideo four times in the season. Because of ideological solidarity several Uruguayan families have lost jobs and an estimated 60 million dollars per annum flee to some other ports", underlined Pollak." [2301]

November 4th, following a complaint from Buenos Aires, Panama's government confirms its traditional support of Argentina's claim to the Falklands; observing that foreign policy lies only within the remit of the nation's President and not with the National Assembly.

> *"Last 25 October the opposition party PRD censured the National Assembly of Panama for having established a Group of Inter-parliamentary friendship "with a similar organization which it claimed belongs to an occupied territory, such is the case of the Malvinas Islands". In a letter addressed to the Argentine embassy in the City of Panama, the PRD described the attitude of the involved lawmakers as "deplorable and with no consequences" towards the South American country that claims sovereignty over the disputed Islands. The idea of creating a group of inter-parliamentary friendship was to boost cultural exchanges, diplomatic relations and cooperation among the two parliaments according to the National Assembly."* [2302]

"A message from the Panamanian Foreign ministry indicated that Foreign minister Fernando Nunez Fabrega met with Argentine ambassador Ana Cristina Berta de Alberto to talk about the Falklands situation. The Argentine Foreign ministry expressed in a letter dated September 18, that a visit of a group of Panamanian lawmakers to the Falklands, had distorted the traditional position of Panama in support of Argentina. Mr Fabrega reiterated Panama's historic position in support of Argentina, and pointed out that by constitutional mandate, foreign policy, "is restricted to the Presidency of the Republic"." [2303]

November 11th, from Uruguay, *MercoPress* reports; *"Argentina has begun a determined campaign to deter companies from drilling for oil in disputed waters around the Falkland Islands in the south Atlantic. On the eve of a visit by UK parliamentarians to Buenos Aires this week, the Argentine embassy in London warned that legal action was being ramped up against drillers and their suppliers, reports Terry Macalister in The Guardian. More than 200 letters have already been sent to oil companies, City analysts and the London Stock Exchange, explaining that Argentina considers that companies such as Premier and Rockhopper are operating in a clandestine way. Embassy sources said access to the "highly promising" shale gas and other deposits onshore, and offshore around Argentina, would be denied to any company drilling off the Falklands, Malvinas Islands for Argentina. "It is a political issue. If you find that shale in Argentina is good business then you would not get involved in exploiting offshore these Malvinas islands. You would automatically be banned", said an embassy source."*

2301 *MercoPress* November 1, 2013
2302 *MercoPress* November 4, 2013
2303 *Penguin News* November 8, 2013

November 12th, in Buenos Aires, British Parliamentarians visit Congress; *"A group of visiting British MPs and Lords refused to organize a working group over the issue of Falklands/Malvinas Islands sovereignty with their Argentine counterparts during a visit to Congress in Buenos Aires on Tuesday. The British delegation was received by the presidents of the Lower House and Senate external affairs committees, Guillermo Carmona and Senator Daniel Filmus who presented the proposal for the working group and meeting which was originally scheduled for 2012. The visiting delegation was comprised of representatives from the House of Commons, Robert Walter and Mark Menzies (Conservative) and Ann McKechin and Chris Bryant (Labor); and representatives of the House of Lords, Angela Evans Smith of Basildon (Labor); Vivien Helen Stern (Independent) and Gloria Hooper (Conservative). Carmona and Filmus asked their British colleagues to reopen talks over the Falklands/Malvinas issue and proposed creating a special commission to discuss the issue. However, the initiative was rejected by the British MPs. "Unfortunately, we haven't achieved a positive response, but we will keep insisting on a path to dialogue", said Carmona."* [2304]

November 14th, in the Falkland Islands, a group of Attorney Generals and Law officers from 11 Overseas Territories attend a conference in Stanley.

"Led by the Attorney General for England and Wales the Right Honourable Dominic Grieve QC MP it was also the first official visit to the Islands by a Cabinet rank Minister in 10 years. Asked about the current political situation with Argentina. Mr Grieve said, "I'm afraid the Argentines are behaving irrationally and not very well". Speaking at a press conference yesterday. Mr Grieve also said that the British Government's support for the Falkland Islands was total and he hoped Islanders felt that the British Government had responded adequately to the challenges that had arisen in the last few years and particularly during last year" [2305]

In Panama. Argentina's Foreign Minister, Hector Timerman, arrives on an official visit; *"Panama Foreign minister Fernando Núñez Fábrega underlined his country's traditional and committed support for Argentina's sovereignty claims over the Malvinas and other South Atlantic Islands and their adjoining maritime spaces, an issue that was discussed during this week's visit to Buenos Aires, a special guest of his peer Hector Timerman. "The visit is a clear demonstration of the excellent level of bilateral relations, characterized by mutual respect and the commitment to strengthen democracy, human rights and the promotion of international cooperation and peace", said a release from the Argentine foreign ministry. "The ministers also expressed their commitment to promote 'parliamentary friendship groups' among the two countries congresses, which will help to further implement closer bilateral links"."* [2306]

November 27th, in Buenos Aires, Argentina's Congress approves new legislation criminalising oil activities around the Falkland Islands. [2307]

"Attempts by Argentina to target commercial activities in the Falklands have no basis in law, reiterated the Foreign and Commonwealth Office last week. Secretary of State for Foreign and Commonwealth Affairs, Hugo Swire, responded to a question from Andrew Rosindell MP, who asked the Minister what communications he had had with his Argentine counterpart on their opposition to oil drilling around the Falkland Islands; and what steps he is taking to prevent illegal interference in this matter. Mr Swire said Argentina's domestic legislation had no applicability to the Falkland Islands and its surrounding waters, where Falklands and UK. law had jurisdiction." [2308]

2304 *MercoPress* November 13, 2013
2305 *Penguin News* November 15, 2013
2306 *MercoPress* November 30, 2013. All, apparently, in response to the Panama National Congress forming a 'Friendship Group' with the Falkland islanders. See above.
2307 See December 5, 2013 below.
2308 *Penguin News* November 29, 2013

November 30th, responding to the news of a new Argentine law, the Falkland Islands Government; *"... regrets this latest attempt by the Argentine Government to undermine the economy of the Falkland Islands and prevent the legitimate exploration and exploitation of our natural resources. ... we are absolutely clear that we have the right to develop our own natural resources. We remain entirely clear that Argentine domestic legislation does not apply to the Falkland Islands, therefore there is absolutely no legal basis for the Argentine Government's proposed actions. ..."* [2309]

In the **December** edition of the Uruguayan magazine '*Paula*' is an article - *Viento del Sur* (Southern Winds). [2310]

"Argentine ambassador in Montevideo complained ... Ambassador Dante Dovena points out in a letter addressed to the Director of the magazine Paula (belonging to El Pais), that in the five page-article of its December edition there is not one mention of Argentina's claim over the Malvinas Islands and asks if the publication acted on "political manipulation or ignorance". According to the ambassador's letter the five page article pretends to present a picture of the Malvinas Islands with serious historic errors and at the same time disregards and ignores the fight of the international community, and even of Uruguay, against the scourge of colonialism. "To write about Malvinas and not mention the painful dagger of colonialism is like writing about South Africa in the eighties and not include any mention to apartheid. It's not a detail, it's the substance, the essential"." [2311]

December 3rd, in the Falklands, a delegation of advisers from Brazil's Congress arrive on a fact-finding mission.

"The group includes Gustavo Bernard, Political Advisor for Senator Ana Amelia of the Brazilian Senate. He has a specialization in Strategy and International Negotiation from the University of Brasilia (UnB). Senator Amelia belongs to the Progressive Party and represents the most southern state of the union, Rio Grande do Sul. The PP belongs to the ruling coalition that supports President Dilma Rousseff. The Senator is a member of the Regional Development and Tourism and Human Rights Committees. Celia De Morais is Political Adviser for Senator Luiz Henrique at the Brazilian Senate and Clarita Maia Simon is Legislative Adviser, Brazilian Federal Senate. Senator Luiz Henrique da Silveira belongs to Brazil largest political party PMDB and represents the southern state of Santa Catarina. PMDB is the main support of the ruling coalition of President Rousseff. The senator is a member of the Foreign Affairs and Defense and of the Constitution, Justice and Citizens committees. Another member of the delegation is Joanisval Brito Goncalves, Senior Legislative Counsellor for International Relations and Defence Issues at the Senate of Brazil. Last year Brazil came out strongly in support of Argentina on the matter of the Falkland Islands and criticised British military exercises in the Islands. The visit follows one arranged in September for a group of members of the Panamanian National Assembly." [2312]

December 4th, in Stanley, the Brazilian delegation hold a press conference.

"Do not over-estimate Argentina. We know Argentina and the way they deal with situations." [2313]

"They said better promotion and international relations was the crux of a successful change in attitude towards the Islands in the South American region: "You have a simple and straightforward plea for sovereignty", said Mrs Maia adding that Brazil was, "sympathetic to developing countries". The group said the

2309 Falklands Government's response quoted in *MercoPress* November 30, 2013
2310 See - https://www.facebook.com/photo.php?fbid=559635080779358&set=a.559634800779386.1073741871.116959685046902&type=3&theater
2311 *MercoPress* December 21, 2013
2312 *MercoPress* December 3, 2013
2313 Joanisval Brito Goncalves, a Senior Legislative Counselor for international relations and defence issues at the Senate of Brazil, quoted in *Penguin News* December 6, 2013

key to successful integration into the rest of South America was promotion of the Islands sovereignty economic opportunities in tourism and education. The idea of student exchanges with Brazil was mentioned on several occasions, as a way of introducing the Falklands as a gateway to British culture closer to home for South Americans." [2314]

December 5th, the European Union Commission announce that the Falklands have been allocated 5.9 million Euros for the purpose of supporting economic development between 2014 and 2020.

Britain's Government extends an invitation to a number of foreign military attachés to visit the Falkland Islands, to view for themselves the extent of the defences there. [2315]

"... the islanders invited all the military attachés of the defence departments of the embassies accredited in London to travel to the Malvinas Islands. Washington did not send any military officials to the islands. Added to this is the fact that Russia and France did not do so either. Without the United States, Russia, France and the rest of the countries also rejected the islanders' invitation." [2316]

"... this was done via the British Government to see if we could get some military attaches down to try and bust the militarization myth. However I don't remember Russia being invited but then again they may have been and I have forgotten. One or two did quietly come though but I think they came down at various times as opposed to being a group." [2317]

In Buenos Aires, on the same day, law *26.915* is promulgated. This creates a criminal offence for any person engaging (directly or indirectly through a third party) in any type of hydrocarbon exploration, extraction, transportation and/or storage activities within the Argentine continental shelf without authorization by Argentine authorities. If found guilty, offenders are liable to a sentence of 15 years imprisonment and fines equivalent to the value of 1.5 million barrels. [2318]

December 16th, Britain lodges a formal protest with regard to Argentina's newly amended oil laws.

> *"FCO Director for the Americas, Kate Smith, formally protested today to the Argentine Chargé, Oscar Horacio Galli, about the Argentine Congress's passing of an amendment to their Hydrocarbons Law No 26.659 which seeks to criminalise individuals or companies with a direct or indirect interest in hydrocarbon activities in waters surrounding the Falkland Islands.*
>
> *An FCO spokesperson said: "Argentine domestic law does not apply to the Falkland Islands, so this is a baseless gesture intended to deter legitimate commercial activity. We are confident it will not succeed. It is shameful that Argentina is once again adopting bullying tactics in an attempt to strangle the Falkland Islands economy."..."* [2319]

December 17th, Argentina rejects the UK's protest*;* arguing that the protest itself recognises their rights. [2320]

December 18th, in the Falkland islands, war memorials dating from 1982 are formally handed over to the Islands' government by the Ministry of Defence's '*Defence Infrastructure Organisation'* (DIO).

2314 *Penguin News* December 6, 2013
2315 There was no announcement, and the invitations did not appear in the press.
2316 Romero 2020
2317 In conversation with MLA Gavin Short September, 2024
2318 This legislation amended law *26.659* of 2011.
2319 Foreign & Commonwealth Office press release of December 16, 2013
2320 *Buenos Aires Herald* December 17, 2013

"(A) handover memorials at Darwin, Green and Fitzroy and also the grave of Lieutenant Taylor (Royal Navy) located at Goose Green. Head of the DIO in the South Atlantic Paul Wilson said: "DIO has a close working relationship with the Falkland Islands Government through the Public Works Department"." [2321]

December 20th, British Prime Minister, David Cameron sends a Christmas message to the Falkland Islanders.

> *"The Referendum in March offered a clear choice: whether or not to remain a British Overseas Territory. It was not a decision for me. It was not a decision for Argentina. It was a decision for you, the people of the Falkland Islands. This was a question of self-determination – and you could not have sent a clearer message: The Falkland Islands are British through and through. And that is how you want them to stay.*
>
> *The rest of the world has a fundamental duty to respect and honor what you have said so clearly. So as we look to 2014, you can count on the British Government's continued support in countering the Argentine Government's campaign to claim the Islands' resources and to inflict damage on your economy.*
>
> *Most recently, this has involved shameful attempts to discourage hydrocarbons exploration in your waters. My message on this is clear: you have every right to explore your natural resources. The Argentine Government's attempts to deter you from doing so will not succeed. The British Government will continue to support economic development in the Falkland Islands. ...*
>
> *The British Government will remain steadfast in its commitment to your sovereignty and security. The Argentine Government will never succeed in any attempt to misrepresent the history of you Islands or question your right to self-determination. Britain will always be ready to defend the Falkland Islands. ... More than thirty years on, my message to you this Christmas is simple: The Falkland Islands is one of Britain's most important overseas communities. And our commitment to your prosperity, security and sovereignty remains as strong as ever."*

"Héctor Timerman accused the prime minister of "forgetting the peace message ... that Christmas should inspire" by stressing in his festive message the UK's commitment to defend the disputed overseas territory. ... "The verbal and military threats of the colonial power will continue to be met with Argentina's demand for respect for international law and for UN resolution," he said." [2322]

December 21st, Argentine Decree *2251/2013* creates a new Government agency, the *Secretaría para la Cuestión Malvinas,* to deal exclusively with Argentina's claims to the Falkland Islands, South Georgia and the South Sandwich Islands: to be headed by ex-Senator Daniel Filmus. The Foreign Ministry in Buenos Aires makes an announcement.

> *"The secretariat will implement the strategies and actions from the point of view of foreign policy in relations with all countries for the better defence of rights and Argentine interests with respect to the Falklands question and will coordinate with the Ministry of Foreign Affairs the relevant courses of action at the multilateral level. The decision to elevate at Secretariat level area with thematic competition is a reaffirmation of the deep commitment to a cause that is not only for Argentines but also for all peoples fighting for the end of colonialism and the respect for the territorial integrity of independent Nations..."*

2321 *Penguin News* January 24, 2014
2322 *The Guardian* January 3, 2014

"Argentina has created a new government agency under the scope of the Foreign Ministry to address issues related exclusively to the Malvinas Islands, designating former senator Daniel Filmus as its chief. The creation of the secretariat and Filmus' appointment were published in Friday's edition of the official gazette under decree number 2251/2013. This new Secretariat of Affairs relative to the Malvinas, South Georgia and South Sandwich Islands and adjoining maritime spaces will be in charge of implementing foreign policy strategies and actions "for the better defense of the Argentine rights and interests regarding the Malvinas issue," the Foreign Ministry informed. Moreover, "it will coordinate with the Foreign Affairs Secretariat the relevant course of action in the multilateral field". The communiqué added this decision "is a reaffirmation of the profound commitment to a cause which does not belong to Argentines only, but to all the people who fight to end colonialism and for the respect to territorial integrity of independent nations"." [2323]

"According to the foreign ministry, the new secretariat will design and co-ordinate strategies "for the defence of Argentine rights and interests as well as informing the world about Argentine rights". The appointment comes amid an escalation of nationalist rhetoric between London and Buenos Aires. ... Despite the new secretariat and law, the situation for the islanders is thought unlikely to change. They have lived in economic isolation from Argentina for many years now ..." [2324]

"Argentine former senator Daniel Filmus was made head of the newly created "Secretariat of Malvinas, South Georgia, South Sandwich Islands and adjoining maritime spaces in the South Atlantic Affairs". ... The Argentine government has included the Falkland Islands among its most important goals and objectives for 2014 and the aim of the new department is to press forward Argentine claims to the Islands." [2325]

"The full name of this secretariat was Secretariat for Affairs Relating to the Malvinas Islands, South Georgia and the South Sandwich Islands and the spaces maritime areas in the South Atlantic. This new Ministerial unit would be responsible for designing and implementing strategies and actions from foreign policy in the relations with all countries for the best defense of Argentine rights and interests regarding the Question Malvinas." [2326]

2014 – January 3rd, in a press release, Argentina's Government repeats its annual claim regarding 1833.

"In a long statement recalling the 181st anniversary of the 'usurpation of our Malvinas, South Georgia, South Sandwich Islands and the adjoining maritime spaces' (almost three million square kilometers) the Argentine Foreign ministry contrasts Buenos Aires peaceful, dialogue attitude with the verbal aggressiveness from British officials when referring to the Malvinas issue. The release accuses the UK of ignoring UN resolutions, International Law and growing world public opinion favorable to Argentina and sovereignty negotiations, which is the best evidence that in the Malvinas issue, "the lion still roars but no longer frightens"." [2327]

In the follow-up letter to the UN Secretary-General, Argentina attacks the referendum of March 2013. [2328]

> *"The Argentine Government reiterates that the principle of the self-determination of peoples, which is the sole ground invoked by the United Kingdom in support of its position on the Malvinas Islands, is totally and manifestly inappropriate and inapplicable to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.*

2323 *MercoPress* December 21, 2013
2324 *The Guardian* January 7, 2014
2325 *Penguin News* January 10, 2014
2326 Romero 2020. Closed December, 2015.
2327 *MercoPress* January 3, 2014
2328 *UN Doc A/68/698: Letter dated 3 January 2014 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

By invoking it with the aim of perpetuating a colonial situation, the British position seeks to distort this principle, thereby defeating the purposes for which it was intended. None of the criteria for applying the principle of self-determination are met by the question of the Malvinas Islands. In addition, the British position is contrary to the provisions of resolution 2065 (XX) and subsequent General Assembly resolutions, as well as the resolutions on the question of the Malvinas Islands adopted each year by the Special Committee on Decolonization. What is more, in 1985, the General Assembly twice expressly ruled out the possibility of applying that principle to the question of the Malvinas Islands." [2329]

January 6th, in Buenos Aires, Daniel Filmus is sworn in as 'Malvinas' Secretary at a ceremony.

"Whilst it may be anticipated that this will result in an increase in activity on the part of the Argentine government, in trying to persuade others of their right to colonize the Falkland Islands, it will not result in any strengthening of their weak claim to our Islands, and is unlikely to address the fundamental human rights issues underlying Falkland Islanders rights to self determination." [2330]

"Hector Timerman, the Argentine foreign minister, said the appointment was "historic". "Never before in Argentina's history has this matter, a question of territorial integrity, occupied such an important place in a government and we are very pleased that the president has elected none other than Daniel Filmus as secretary", he said. Taking up the position, Mr Filmus said: "It is unacceptable that in the 21st century Argentina is unable to take decisions over its entire territory and that a part of this territory is being occupied by a colonial power"." [2331]

January 14th, Argentina increases the penalties for companies and individuals convicted of exploring for, or exploiting, hydrocarbons around the Falklands archipelago without an Argentine licence.

"Argentina is preparing a battery of instruments to attack the Falklands fisheries and involved fishing companies with the purpose of 'strangling the economy' of the Islands thus forcing the UK to sit and dialogue on South Atlantic Islands sovereignty, according to a piece by La Nacion columnist Martín Dinatale. "Under these premises the Foreign ministry is working on the regulation of the fisheries bill to apply hefty fines to those companies which benefit from fishing simultaneously in the 'Argentine Sea' as in South Atlantic waters under dispute with the UK", writes Dinatale who reveals that the administration of President Cristina Fernandez has been encouraged by the success of its pressure policy on the Falklands' oil industry. ... Dinatale explains that the new strategy, to advance on the Malvinas economy to force UK to sit and talk about sovereignty is intimately linked to the naming of Daniel Filmus as head of the special Malvinas Secretariat, since he is considered an 'active militant' of the Malvinas cause." [2332]

January 28th, in New York, Malvinas Secretary Daniel Filmus is invited by the standing Bureau of the United Nations Special Committee on Decolonization to meet the Committee's Chairman, Diego Morejon, and other Bureau members.

2329 See 2008, when Argentina's attempt to limit the right of self-determination failed before the UN Fourth Committee.

2330 *The Telegraph* January 7, 2014. This article included an on-line poll asking for readers views over ownership of the Falklands. By January 9, 2014 it was being reported that a majority of respondents (74%) favoured Argentina's claims. On January 15, 2014 *The Telegraph* reported that two-thirds of the votes had been found to have originated in Argentina. Of the 4,853 votes originating within the UK, only 245 favoured Argentine sovereignty. Of the 18,216 votes cast in Argentina, 96.86% said that the Falklands should belong to Argentina. Not much of a surprise, really. In 2023, a YouGov poll in the UK revealed 57% of British respondents agreeing that the Falklands belonged to Britain with 16% saying not. What the remaining 27% said was not revealed, presumably "Don't know", or possibly "Where".

2331 *MercoPress* January 9, 2014

2332 *MercoPress* January 14, 2014. By what measure Argentina could be viewed as successful, was not revealed.

"According to Argentina's official news agency Telam the Argentine delegation and the Committee's Bureau discussed the importance on complying with UN resolutions referred to the Falklands/Malvinas issue, and implementing dialogue as the only instrument to resolve the sovereignty dispute. "The Bureau invitation to Argentina" was extended because they are the counterpart in the Falkland/Malvinas issue, and which established that the sovereignty dispute over the Islands must be resolved through negotiations between the sides involved: Argentina and the UK. "Ambassador Diego Morán and the other Bureau representatives together with the Argentine delegation addressed ideas to advance cooperation in the process as established by UN resolutions on the Falklands/Malvinas issue". The Bureau acknowledged Argentina's permanent disposition to dialogue and to resume sovereignty negotiations under UN mandate. The Argentine delegation expressed its appreciation for the work displayed by the outgoing chairman of the Special Committee on Decolonization, Ambassador Diego Morejón (2012 and 2013) which "has significantly strengthened international commitment to the decolonization process, as has been recognized by member states of the Special Committee"." [2333]

At Buenos Aires, on the same day, the Cunard cruise ship *Queen Victoria* docks.

"Admiral Lord West of Spithead is used to feeling the wrath of the Argentinians. The former First Sea Lord was at the helm of his frigate HMS Ardent when it was bombed and sunk during the Falklands war. So as a passenger on Cunard's cruise liner the Queen Victoria .., he was incensed to learn that the Argentine authorities were flexing their muscles. "After we'd gone round Cape Horn I was at dinner with the captain, and the captain said to me that when they were in Buenos Aires that she'd basically been threatened with a punitive fine of $10,000 and also told there'd be 'trouble' in inverted commas – not specified – if she didn't take down the red ensign which the ship flies", ... The red duster, as its known, is worn by all British non-military shipping. But Argentina's largest province passed a law banning vessels flying the flag from docking in Buenos Aires." [2334]

"We condemn any attempts by the Argentine authorities to unnecessarily interfere with the legitimate transit of UK-flagged vessels. This appears to be another example of unacceptable harassment and intimidation. "We robustly defend UK interests against any attempts by the government of Argentina to disrupt any lawful commercial activity. We are urgently discussing the matter with Carnival UK (Cunard's parent company) and will raise this with the Argentine authorities." [2335]

February 6th, Uruguayan weekly journal, *Búsqueda*, reports that a group of five lawmakers are to visit the Falklands to learn first-hand about the Islands and the people. Argentina's Embassy in Montevideo promptly protests; *"We invite the Uruguayan people and particularly their national representatives to review the proud and historic position of Uruguay, of full support for the sister Argentine Republic, which includes glorious chapters in international law, decolonization and rejection of colonial conquests. ... This activity patronized by Great Britain is just a manoeuvrer pretending to legitimize their violent, archaic and solitary position, profoundly criticized all along the planet."* [2336]

February 10th, in New York, in an official response to Argentina's January 3rd letter to the UN, Ambassador Mark Lyall Grant repeats much of his account of Falklands history contained in the 2013 exchange of correspondence. He also addresses the issue of past resolutions.

2333 *MercoPress* January 30, 2014.
2334 *Channel 4 News* February 12, 2014
2335 Unnamed Foreign Office spokesman quoted in *The Guardian* January 13, 2014. The incident was subsequently denied by the Buenos Aires Sea Port Authority.
2336 *MercoPress* February 7, 2014

"The United Kingdom notes that the Republic of Argentina regularly refers to regional statements of diplomatic support for Falkland Islands sovereignty negotiations, including Organization of American States (OAS) General Assembly resolutions, United Nations General Assembly resolutions (the last of which was issued in 1988) and resolutions of the United Nations Special Committee on decolonization.

However, none of these regional statements or specific Falkland Islands resolutions fully reflects the legally binding principle of self-determination enshrined in the Charter of the United Nations, nor the modern relationship between the United Kingdom and its Overseas Territories.

Regional statements from OAS and others, or United Nations General Assembly resolutions, do not modify or dilute the obligation of nations to respect the Falkland Islanders' right of self-determination, enshrined in the Charter of the United Nations."

As for the 2013 referendum, he adds:

"The United Kingdom once again urges the Government of Argentina to respect the outcome of the referendum held on the Islands in March 2013 in which the Falkland Islanders categorically made their wishes known to the international community by 99.8 per cent of the electorate deciding to maintain their current political relationship with the United Kingdom. There will be no negotiation on the sovereignty of the Falkland Islands unless and until the Islanders so wish. …" [2337]

In Stanley, Foreign Office Minister, Hugo Swire, arrives for an official visit.

"Asked whether he saw the involvement of American companies as helping in securing the Islanders rights to self determination, Mr Swire said he did not see those rights as, "under threat". The people of the Falkland Islands, "have spoken very very clearly", and the, "great majority of the international community accept that", he added." [2338]

February 12th, a delegation of eight parliamentarians from Uruguay also arrives in Stanley for discussions with the Falkland Islands Government on closer ties between the territory and Montevideo.

"The visit of four Uruguayan lawmakers to the Falkland Islands is receiving ample coverage from the Argentine media particularly the intention of closer links between Montevideo and the Islands including the possibility of sending Uruguayan manpower as well as promoting trade, tourism, culture and social relations. Reports indicate that the eight elected members of the Legislative Assembly in a meeting with their visiting counterparts expressed an interest in Uruguayan involvement in the oil industry, fisheries and even possibly a direct air link, thus helping to improve the Falklands international connectivity.

The Uruguayan delegation is made up of members from the opposition: Jaime Trobo and Daniel Mañana, the main opposition party; Fitzgerald Cantero from the Partido Colorado and Ivan Posada, Independent party. … the possibility of an air link was also addressed: a Montevideo/Stanley would not take more than two and a half hours, …"Uruguay has great potential to provide services in medical attention and education; we can be good neighbours, cooperate with no need to get involved in sovereignty discussion", said Trobo." [2339]

2337 *UN Doc A/68/747: Letter dated 10 February 2014 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General.* See August, 2014 below

2338 *Penguin News* February 14, 2014

2339 *MercoPress* February 12, 2014

"A public opinion poll held in Uruguay recently revealed 80 per cent of the population supported developing commercial and cultural exchanges with the Falkland Islands according to a visiting delegation of Uruguayan parliamentarians. ... Member of the House of Representatives and Chairman for International Affairs. Jaime Trobo emphasised the need to, "bring closer countries which are neighbours; to understand each other and exchange ideas. What we are longing for is to get on a plane at Montevideo and in two and a half hours be walking on Stanley waterfront". ... In a press conference on Thursday they also stated they were here, "defending our right to integrate with you... The fact that we are here is a clear sign of that"." [2340]

February 25th, Governor Nigel Haywood leaves for London at the end of his tour. John Duncan takes over as acting-Governor until the new Governor, Colin Roberts, can arrive.

March 4th, in London, Argentina's Ambassador, Alicia Castro, writes an article in the *Guardian* newspaper complaining about the appointment of Colin Roberts; *"I once met Roberts at the Foreign Office, and I do not have a fond recollection of our meeting. His conduct towards me, as the ambassador of my country, was akin to that one might expect from an official of the empire, scolding his subjects. This, had it not been offensive, would have been quite simply ridiculous."* Castro also accuses the UK of *"breaching international law"* by refusing to open negotiations with regard to the sovereignty of the Falklands. [2341]

March 12th, at the UN, the Secretariat's annual working paper on the Falkland Islands is published.

> *"By resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received."* [2342]

March 13th, at a UN's Security Council meeting, Russian Federation Ambassador Churkin, acknowledges the Falklands' referendum of 2013.

> *"It is well known that the concept of a referendum is not new. Referendums have been or will be held in Puerto Rico, Gibraltar, the Falkland Islands, Catalonia and Scotland. The legal and historical contexts, as well as the results of all those votes, are all quite different, but the fact remains that the inhabitants of those territories were or will be given the opportunity to express their free will. Why should the people of Crimea be an exception?"* [2343]

"One year on from the Falklands referendum and public diplomacy efforts are paying dividends according to Members of Legislative Assembly Mike Summers and Michael Poole They drew particular attention to a statement made by Foreign Minister of Australia Julie Bishop MP on Tuesday, who said: "I note today that it's the first anniversary of the referendum by the Falkland Islanders who voted overwhelmingly to remain a British territory. Now Australia doesn't have a position on the competing claims on sovereignty but we do believe that wishes of the Islands' inhabitants should be taken into account in any peaceful resolution of this matter"." [2344]

2340 *Penguin News* February 14, 2014. This poll appears to date back to December, 2013, conducted by Factum.
2341 *Mercoress* March 4, 2014
2342 *UN Doc A/Ac.109/2014/15*. Yet another year had passed without any member State calling for a General Assembly discussion. Not even Argentina. *cf.* 2004
2343 Security Council, March 13, 2014 in *UN Document S/PV.7134*. Really about Russia's illegal annexation of Crimea.
2344 *Penguin News* March 14, 2014

March 19th, Daniel Filmus, interviewed in Britain's *Telegraph* newspaper, asserts that United Nations resolutions forbid the inclusion of the Islanders in any talks between Argentina and the UK. He claims; *"UN Resolution 2065 and subsequent resolutions expressly point out that the sovereignty dispute between our countries must be resolved through negotiations between Argentina and the United Kingdom.."* [2345]

Argentina announces the construction of a Malvinas Museum to be built on the site of the infamous School of Naval Mechanics in Buenos Aires. A site of illegal detainment and torture during the 1970s.

> *"... next year this story of usurpation will turn 180. That is why ... I have a great desire that our Malvinas Museum, which is to be built on the site of the Naval School of Mechanics, should be inaugurated in the month of August, when it will be exactly 180 years since "El Gaucho" Rivero was able to hoist the flag again at that place.*
>
> *That is why I say that this is a story which has been ongoing for many years, with other attempts in 1806, in 1807, in 1845, and so it is a story of colonialism, almost a nineteenth century story which, like a shackle to that past, still persists here in our territory. it is a story of colonialism, almost a nineteenth century story which, like a shackle to that past, still persists here in our territory."* [2346]

"The dispute over Malvinas is detached from the recent past and established within the memory of the struggles for independence. The British Invasions (1806, 1807), the British occupation of the Malvinas Islands (1833) and the Battle of Vuelta de Obligado (1845) constitute the series in the history of Independence which, in contrast to the teaching of school textbooks, is based on the confrontation of Argentina against the British crown rather than against the Spanish." [2347]

March 19th, a Brazilian delegation visits Stanley.

> *"Visiting Brazilian political advisor and environmentalist Eduardo Viola emphatically expressed support for the Falkland Islands' right of self-determination during a press conference in Stanley with other visiting Brazilian colleagues, ... "The Falklands enjoy an exceptional level of amenities and prosperity and are on the right road to an even more prosperous future provided it was embraced by Islanders" said Viola who nevertheless pointed out "you are too small" indicating that immigration needed to be opened up....*
>
> *Visits like this are intended to build up a knowledge base and Carlos Vidigal, who is a political advisor and supporter of the Argentine claim, said he found the trip informative and was, "surprised" by the people and governance. Brazilian foreign policy which aligns with its neighbor will not change he said but he was keen "to see better dialogue between the Falklands and Argentina."..."* [2348]

March 26th, in the Vatican City, Malvinas Secretary Daniel Filmus meets Pope Francis; presenting him with a book on the flora and fauna of the Falkland Islands.

"..."The Pope asked how the (Malvinas) secretariat was working and how were we advancing in the Malvinas issue", said Filmus interviewed at St Peter's by the Argentine government's news agency Telam. "The Pope insisted in the need to advance in the search for dialogue and I told him that for the Argentine government, the only alternative was to continue working in support of a bilateral dialogue with the UK", said Filmus who

2345 *The Falklands Will Be Ours* Harriet Alexander in *The Telegraph* March 19, 2014. There are no UN resolutions that forbid the inclusion of Islanders in any negotiation.
2346 Speech by President Cristina Kirchner, April 2, 2014 quoted in Salerno 2019. Usual distortions of history.
2347 Salerno 2019. See 1806, 1807, 1833 & 1845
2348 *MercoPress* March 22, 2014. Original interview in *Penguin News*

revealed that "we also talked about the double standards that are displayed when you analyze this kind of case". "We didn't ask the Pope to have an active role; although he is Argentine, he is the Pope of all of us, of everyone. So under no circumstances are we going to ask him to adopt an active role in this issue". But "his holiness was hopeful that Argentina could start a bilateral dialogue in such a way we can reach a peace solution", added Filmus." [2349]

> *"Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye."*[2350]

March 26th – 27th, in St. Lucia, MLA Ian Hanson attends the Third Global Biennial Conference on Small States.

April 1st, in Buenos Aires, Argentina's Foreign Minister, Hector Timerman, opens a photographic exhibition entitled '*Argentina's Malvinas: our Islands in images*'.

"Foreign Minister Héctor Timerman said that when Great Britain finally agrees to sit for negotiations over the disputed Malvinas there will be "no way to deny" the Islands belong to Argentina. ... The minister said that Argentina "will keep insisting in every international forum" over the Malvinas cause because "it is a just cause and a Latin-American cause, and it is supported by all and every Argentine". The Foreign Minister blasted Britain's "aggressive stand over the Islands" and its colonial traits by underlining that there are "16 colonized territories over the world and 10 belong to the UK". "We can't conceive the Argentine Republic without the Malvinas Islands, since they are an integral part of our territory", underlined Timerman adding that there was no question that "in Congress, in all political parties, and in all political groups, Malvinas is a State policy and a flag Argentina will never surrender"." [2351]

April 2nd, on the 32nd anniversary of Argentina's invasion of the Falklands, Malvinas Secretary Daniel Filmus claims that bilateral negotiations between London and Buenos Aires are *"inevitable"* due to increasing international political pressure. Argentina's President asserts that; *"the Falklands are the largest NATO military base in the South Atlantic."* In London, Ambassador Castro issues a statement.

> *"181 years on from the British usurpation of the Malvinas Islands and 32 years on from the conflict in the South Atlantic, initiated by a ruthless military dictatorship, Argentina's democratic government calls for the resumption of bilateral negotiations to resolve the sovereignty dispute, in accordance with over 40 United Nations resolutions and the call from the whole international community."* [2352]

From Uruguay, the South American news agency, *MercoPress,* reports:

> *"An exchange of tweets between Falkland Islands elected member of the Legislative Assembly Gavin Short and Argentine official Daniel Filmus has caused uproar in Argentina because the MLA describes as "rather sick" the "celebration of a brutal invasion of innocent civilians". In effect the trigger for the exchange was former hopeful Senator Filmus message who said that "the commemoration of April 2 unites us Argentines in homage and tribute to those who fought for the recovery of the exercise of our*

2349 *MercoPress* March 27, 2014
2350 Biblical quotation from Matthew 7.5. The cartoon was, apparently, sent to the offices of *MercoPress* in response to their March 27, 2014, article on Filmus speaking to Pope Francis the day before.
2351 *MercoPress* April 2, 2014
2352 *Ibid.*

sovereignty in Malvinas, particularly those who valiantly lost their lives for the cause". Earlier the Falklands government had tweeted in Spanish that "today marks the 32nd anniversary of the Argentine invasion of the Falklands and the beginning of one of the most tragic times of our history". ... MLA Short insisted that "celebrating a brutal invasion of 1.800 civilians and taking their freedom away. Only in Argentina". ... "CFK may also be celebrating the Condor group as well. Hijackers and terrorists being celebrated? How low can you get".'' [2353]

In Buenos Aires, at the Casa Rosada, President Cristina Fernandez de Kirchner unveils a new 50-peso note containing the image of the Falklands archipelago on the front and a fantasy image of the 'Gaucho' Antonio Rivero on the reverse. [2354]

April 3rd, Argentina's Deputy Foreign Minister, Eduardo Zuain, makes an official visit to Papua New Guinea to establish closer trade links and thank them for their continued support at the United Nations.

"Zuaín met twice with the New Papua Guinea foreign minister to promote bilateral contacts and later with his peer to work on a raft of project proposals in the framework of the Argentine Fund for South-South and Triangular Cooperation (FOAR)." [2355]

April 11th, in New York, Argentina complains to the UN Secretary-General regarding military exercises due to be held in the Falkland Islands; *"This situation is creating unnecessary and unjustified tension in the South Atlantic, which has been declared a zone of peace by the legitimate littoral States of that ocean, which have also banned the introduction of nuclear weapons."* [2356]

April 21st, Argentina's President, Cristina Kirchner, launches the *Pampa Azul* project. [2357]

''Pampa Azul is an initiative which is going to lead to the development of research in the Argentine Sea, in order to enhance scientific knowledge as a basis for conservation and natural resource management.

At the same time, it is going to promote technological innovations applicable to the sustainable exploitation of natural resources and the development of industries connected to the sea, strengthening the marine awareness of the Argentine society; and providing support with information and scientific presence for the sovereignty of our country in the South Atlantic Ocean area." [2358]

"In 2014, the Argentine Ministry of Science, Technology and Productive Innovation invented a new way of imagining the South Atlantic: as the Pampa Azul. The Pampa is the name for the vast breadbasket of the so-called "interior" of Argentina: the cattle frontier and agricultural legacy upon which the Argentine nation was built through violent dispossession of Indigenous Peoples. By reconfiguring the Atlantic Ocean as the Pampa Azul, or Pampa Sumergida (Submerged Pampa), the Argentine state has strategically asserted the country's sovereignty claim over maritime territory through an oceanic sociotechnical imaginary. The Pampa Azul's main objectives are: exploration, conservation and technological innovation expressly geared toward the

2353 *Ibid.* For the story of the Condor Group, see 1966. Treated as an act of terrorism at the time, the Argentine government had granted the survivors a pension in 2009.

2354 Worth about 5 US dollars at that time, the Casa Rosada (Pink House) is Argentina's equivalent of the US White House.

2355 *MercoPress* April 5, 2014. Previously a supporter of the Islanders right to self-determination, Papua New Guinea had a change of heart in 1996. Around the time that Argentina offered a new trade deal. See July 22, 1996.

2356 *UN Doc A/68/840*

2357 *Cristina presentó "Pampa Azul", un proyecto para investigar el mar* in *Telam* April 21, 2014. Relaunched July, 2020 following the return of a Peronist government in Argentina. *cf.* November, 2012 above

2358 Consejo Nacional de Investigaciones Científicas y Técnicas, May 14, 2014

"productive sectors related to the sea"; as well as supporting the country's sovereignty in the South Atlantic with "scientific information and presence." The Pampa Azul initiative allows the Argentine government to argue that it manages marine resources that the country claims .., even though this environment is for the time being, out of reach or control." [2359]

April 29th, at Stanley, the new Governor, Colin Roberts, is sworn in.

"The purpose of the Governor today, "is to ensure the infrastructure and the context in which the elected representatives can make their decisions for the territory and in which the government of the Falkland Islands can implement those decisions... making sure these Islands are secure in defence terms, to making sure that the system of justice and the rule of law operates effectively and smoothly so that the things that they want to do can be achieved"..." [2360]

April 30th, in Argentina, party members Giustiniani (PS), Alfonsín (UCR), Pinedo (PRO) and A. Pérez (FR), call for the return of the Falkland Islands claim to the United Nations General Assembly. [2361]

> *"... recommending that in the coming UN General Assembly Argentina presents a resolution-draft calling for the Falklands/Malvinas Islands sovereignty claim to be discussed in the assembly and not at the Decolonization Committee or C24. The letter was signed by lawmakers: Socialist Senator Ruben Giustiniani; Lower House members Ricardo Alfonsín (Radical Party); Adrián Pérez from the Renewal Front and Federico Pinedo, PRO.*
>
> *The letter points out that "the last time there was a General Assembly resolution referred to the Malvinas question, favorable to Argentina took place under the government of former (Radical) president Ricardo Alfonsín in 1988".*
>
> *The letter was presented to the President's Office secretary general Oscar Parrilli, asking that the negotiation returns to the General Assembly, from where we moved out in the nineties, following the* ***agreements reached by then President Carlos Menem with Britain****", said lawmaker Pinedo.*
>
> *Since then the Falklands/Malvinas dispute has been discussed at the UN Decolonization Committee, "which year after year, unanimously calls on the UK to sit at the negotiations table with Argentina to discuss the sovereignty issue."..."* [2362]

"We have the necessary votes for its approval. The support obtained in many regional forums was not capitalized on. It is time to put an end to the "gentlemen's agreement" not to bring the issue to the General Assembly, which was signed by Menem with the British government and which the latter made public in 2011 in a message to Parliament." [2363]

In Stanley, a Chilean delegation representing Punta Arenas' port facilities and shipping companies arrives.

2359 Blair 2019

2360 Governor Roberts in an interview with *Penguin News* reported May 2, 2014

2361 The last UN GA resolution on the Falklands had been in 1988 as this letter noted. Surprising that it had taken a quarter of a century for a few Argentine lawmakers to notice that the Decolonization Committee resolutions were not resulting in a General Assembly resolution. Presumably they were given the reason by someone as neither they, nor their letter, were ever heard of again. See https://publications.parliament.uk/pa/cm201012/cmselect/cmfaff/writev/overseas/ot18.htm

2362 *MercoPress* May 1, 2014. My emphasis. *cf.* 1989, 1990, 2004 & 2011

2363 Marcelo Kohen in *Clarin* December 16, 2015. Anything that had endured for 25 years by 2014 (36 years as I write in 2025) can hardly be described as a 'gentleman's agreement'. *cf.* 1989 & 2010

May 7th, Governor Roberts gives a telephone interview to *Infobae*, an Argentine on-line journal. During the questioning, he denies that there is a NATO base on the Islands; *" The very suggestion that there is a NATO base is so ridiculous that it makes everyone laugh. Of course there is no NATO base on the Islands. The only military here is the minimum deployment that the UK feels is necessary to defend the Islands against any possible activity by Argentina. If there were no history of illegal aggression by Argentina against the Islands, then there would probably be no military presence."*

"In the interview Governor Roberts accused the Argentine government of "bullying" Falkland Islanders and berated President Cristina Fernández administration, saying it should "behave better". "There have been a series of actions and declarations by the Argentine government in the last few years that have been designed to damage the economy and suffocate the capacities of the Islands' inhabitants", Roberts said, in the interview given to Infobae ... "For the Islanders there is a large degree of resentment because the Argentine government bullies us. They feel mistreated because of the government's actions", he said, noting the example of Argentina's "criminalization of those involved in the oil and gas industry or attempts to stop cruise ships from travelling to the Islands". "Basic human nature suggests that a long period of time in which Argentina behaves well will have to pass before the Islanders feel open to thinking about a different government", he added." [2364]

May 17th, in Argentina, *El Dia* reports; *"The Argentine ambassador to the United Kingdom, Alicia Castro, maintained that the British governor of the Falkland islands, Colin Roberts, "disrespects" Argentina and "treats us as if we were subjects of the empire", Castro said in an interview... In addition, Castro stressed that "no military presence in the Islands is necessary because the United Kingdom knows, like the rest of the world, that Argentina will never again go to war over the Falklands and that Argentina does not represent a military threat". ... "The inhabitants of the Malvinas Islands would have a much better life if Argentina exercised sovereignty", said Castro..."* [2365]

May 21st, in Spain, *El Confidencial* reports:

> *"Pescanova is a bottomless pit as regards its international activity and the congenital problems derived from the expansion process sponsored by Manuel Fernández Sousa. Now it turns out that the multinational has two vessels fishing in British waters of the Malvinas Islands at the same time that it works in Argentina with a fleet made up of almost twenty fishing boats. A situation unknown at the official level by the Government of Cristina Kirchner and that can produce an unexpected loss in the deteriorated accounts of the Galician group. ... Pescanova's eventual 'war' in the Malvinas is considered within the company itself as a 'time bomb' that could explode at any moment because Argentine law strictly prohibits the duplication of parallel activities in the archipelago occupied by the United Kingdom."* [2366]

"Spanish media reported this week that the Argentine government could force Spanish seafood group Pescanova to dissociate from its squid fishing operation based in the Falklands, as it is reportedly breaching fishing legislation. According to the Deloitte report on Pescanova, the Spanish company has two vessels which generate some 16 milion Euros in operation earnings in waters around the Falkland Islands, through a stake in Polar Ltd, in which Pescanova has a 69.68 per cent stake through asset holding firm Lafonia. Other Spanish companies, like the oil corporation Repsol, and the Spanish fishing firm Eduardo Vieira, have already suffered expropriation orders from the Argentine government." [2367]

2364 *MercoPress* May 9, 2014
2365 Even in 2014, the Falklands GDP (PPP) was higher than that in Argentina.
2366 Pecsanova was the main company of a fishing group based in Galicia, Spain. Operating in 24 countries.
2367 *Penguin News* May 23, 2014

May 22nd, in Fiji, Islands representative Roger Edwards speaks at the United Nations Special Committee on Decolonization Conference.

> *"I wish to remind this committee that it is not charged by the Secretary General or the General Assembly with discussing or resolving sovereignty disputes nor to advance, or support, claims to the Falkland Islands, or any other territory, in this forum and to do so is an abuse of this committee's purpose. .., the Falkland Islanders do not consider themselves to be a colony. We enjoy a modern relationship and shared values with the United Kingdom.*
>
> *I wish to further remind this committee that under the auspices of the United Nations General Assembly Resolution 1514 (XV) of 1960, people from the Non-Self-Governing Territories can exercise self- determination and reach full measure of Self-Government by Free Association, by Integration or by becoming Independent. Building on this, United Nations General Assembly Resolution 2625 (XXV) of 1970 offered a fourth option as an outcome of a people's exercise of the right of self- determination. This fourth option enabled "any other political status freely determined by a people". ...*
>
> *Argentina argues that we are not a 'people' but an implanted British population put there to further Britain's colonial aspirations. Our recent census clearly demonstrates that this is not the case as the evidence produced states that we have people from more than 60 ethnic background groups living and working peacefully together and they have been doing so for the past 181 years. ... Our population has evolved in the same way as that of other countries in the region."*

In the UK, the House of Commons Foreign Affairs Committee 8th Report of Session 2013-2014 – *Government foreign policy towards the United States* – is published.

"We are disappointed that the US Administration fails to give priority to the principle of self-determination in its position on sovereignty of the Falkland Islands." [2368]

June 7th, Argentina's football team pose behind a banner reading *"Las Malvinas son Argentinas"* before a friendly match with Slovenia (right). [2369]

June 9th, Argentina's Foreign Ministry announces the publication of a booklet entitled – *The International Community and the Malvinas Question*. At a press conference, Hector Timerman states that; *"The following pages compile over forty of the international community's pronouncements and more than a hundred statements from regional forums supporting the Argentine Republic..."*

June 10th, in Buenos Aires, Argentina opens a Malvinas Museum on its "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector."; *"We are going to tell the true story of the first patriots who lived in Malvinas and with objects, images and historic facts prove the English colonialism usurpation: we're not talking of a piece of islands covered in stones, but a true piece of the Argentine Patagonia, with hard working people that were thriving to progress."* [2370]

2368 HC 695.

2369 In July, 2014 it was announced that the international sports body FIFA had fined the Argentine Football Association £25,000 for this infringement of its rules against political actions..

2370 Statement by Jorge Giles, the Museum's Director.

"The inauguration of the museum was done on 10 June, which according to the Argentine calendar is Affirmation Day of Argentine rights over the Malvinas, South Georgia, South Sandwich islands and their surrounding maritime areas. On this day in 1829 Argentine history claims the national flag was first flown in the Malvinas. Further on she accused Great Britain of "obsolete military colonialism", while alleging that colonialism was still alive and well in different forms. "Colonization is not forced territorially or through military means any more, but financially and culturally", the President underlined." [2371]

"... this museum undertakes the same aim as CFK: to tell the complete story of the Malvinas Islands from the eighteenth century to the present, highlighting the Argentine position and the arguments supporting the claim to sovereignty. The struggle against colonial power is thereby updated." [2372]

June 14th, in Stanley, Falkland Islanders celebrate *Liberation Day* to remember Argentina's surrender and the end of the 1982 Falklands War. The Legislative assembly issue a statement.

> "*In this particular month we remembered the 70th anniversary of the D-Day landings and today, particularly for Falkland Islanders, we remember those that liberated the Falkland Islands from the illegal occupation by Argentine forces, in 1982. We shall never forget all of those who lost their lives during that terrible war. Liberation Day is also a day when we reflect on the fact that we are a people with almost two centuries of development to look back on with pride, as well as much to look forward to...."*

June 17th, from Uruguay, South American news agency, *MercoPress,* reports:

> *"Vatican officials are becoming increasingly irritated with the Argentine government after its ambassador to Britain (Alicia Castro), who is a vocal critic of the UK policy regarding the Falkland Islands, requested a private audience with the Argentine born pontiff, reports a piece by Edward Pentin, published by Newsmax.com. ... Mr Pentin, who has a long career reporting on Vatican affairs points out it is highly unusual for an ambassador accredited to another nation to have such an audience with a Pope. "The Vatican won't comment on the nature of Castro's visit, but sources said the audience was most likely part of an overall Argentine strategy to use the Pope's nationality, and his willingness to see a wide range of his compatriots, including those Popes don't normally see, to try to keep up pressure on the Falklands issue".*
>
> *The British government is unconcerned by the latest possible attempt to manipulate the Pope. "The Vatican has been clear with us at a very senior level, including quite recently, that their long-standing position of neutrality on the Falklands remains in force, whatever Argentinean efforts to misrepresent the established position of the Holy See on this issue", Britain's ambassador to the Holy See, Nigel Baker, told Mr. Pentin."*

June 21st, in a Flag Day speech, President Cristina Fernandez de Kirchner tells her audience; *"someday our Malvinas will be recovered. There is no colonialism that lasts so many centuries and I know that someday colonialisms will fall ... Nobody is going to push us from that path because we are a peaceful people who believe in peace and in human rights, seriously in all countries and for all peoples. That is why when it comes to human rights, Argentina is an example for the world ."* [2373]

2371 *MercoPress* June 11, 2014
2372 Salerno 2019. CFK is a reference to President Cristina Fernandez Kirchner
2373 *MercoPress* June 21, 2014

June 26th, in New York, the UN's Special Committee on Decolonization opens its annual session on the Falklands territory. [2374] Representing the Islands' people are Roger Edwards and Michael Summers. Petitioners for Argentina are Alejandro Betts and Marcelo Louis Vernet.

Mike Summers tells the committee that it; *"...had failed to deliver on its responsibility to help the remaining Non-Self-Governing Territories to reach a post-colonial status that was acceptable to them because it prioritized the interests of certain Member States over the wishes of the people it was supposed to assist. The right to self-determination was integral to the decolonization process and the peoples of Non-Self-Governing Territories had a right to be involved in all discussions about their future. ... The only major obstacle to the country's development was the continued spiteful and aggressive harassment by Argentina. The head of the so-called "Malvinas Secretariat" had stated recently that it was the firm objective of Argentine foreign policy to prevent the further economic development of the Falkland Islands. To that end, Argentina had taken various measures, including banning flights to the Islands, threatening companies that did business with them, attempting to close Southern Common Market (MERCOSUR) ports to Falklands-flagged vessels and actively discouraging people, including members of the Committee, from visiting the Islands. ..."* [2375]

Roger Edwards tells the committee of the 2013 referendum; *"... in the internationally observed referendum organized by the Falkland Islands Government in March 2013, the people of the Falkland Islands had chosen the fourth option for achieving self-government established in General Assembly resolution 2625 (XXV), namely a "political status freely determined by a people". With a turnout of 92 per cent, 99.8 per cent of voters had chosen to remain an Overseas Territory of the United Kingdom with economic self-sufficiency, internal self-government and, above all, the right to determine their own future. That right was unequivocal. It was enshrined in the Charter of the United Nations and international covenants, and at no point had the United Nations explicitly stated that it did not apply to the Falkland Islanders."* [2376]

"Addressing the United Nations C24 on Thursday, MLA Mike Summers got straight to the point and reminded the Committee not only of its current duty, but also of its inability in the past to fulfil its obligations to the Non Self Governing Territories (NSGT) it should be assisting to reach a post-colonial status acceptable to the people who live there. The C24 was specifically not charged with mediating in or determining any sovereignty disputes, said MLA Summers, adding: "Upholding the basic human rights of the people of the Non Self Governing Territories is your single and solemn duty". He urged the Committee to listen to the wishes of the Falkland Islanders expressed so clearly and democratically in the March 2013 referendum; a referendum which, he reminded them, the Committee had signally failed to seek accreditation to observe, "despite having had every opportunity, and a clear mandate on behalf of the UN, to do so". MLA Summers said the Committee had. by its own admission, "failed m its duty and its mission for the past two decades". [2377]

Argentine Petitioner, Alejandro Betts claims that; *"The Malvinas Islands were a listed colonial territory, yet the administering Power was transferring population to the Islands despite its clear mandate to decolonize them and despite the Organization's recognition that the Islands were the subject of a sovereignty dispute. That policy violated General Assembly resolutions 2621 (XXV) and 3292 (XXIX)..."* [2378]

2374 *UN Doc A/AC.109/2015/19: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 30 March 2015*
2375 *UN Doc A/Ac.109/2014/SR.7*
2376 *UN Doc A/Ac.109/2014/SR.7*
2377 *Penguin News* June 27, 2014
2378 *UN Doc A/Ac.109/2014/SR.7*

Argentine Petitioner, Marcelo Vernet tells the Committee that; *"... The dispute was over territory, despite the sophisms of the British Government to try to conceal that truth. ... it was impossible for there to be a sovereignty dispute without there being a territorial claim. The question of the Malvinas was at the heart of Argentine resistance against imperialism. In Argentina's construction of its great South American fatherland, the Malvinas Islands were the lost "little sister" that left it feeling incomplete."* [2379]

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution calling for sovereignty negotiations between the UK and Argentina. [2380]

> *"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."*

Argentina's Foreign Minister Timerman speaks for his country as an observer; *"Not until 1966 had the United Kingdom opened negotiations on the territory's sovereignty, in accordance with General Assembly resolution 2065 (XX). Those negotiations, which had lasted until 1982, had led to the approval of documents in which the United Kingdom had agreed to recognize Argentine sovereignty, including the 1968 memorandum of understanding and the 1974 British proposal to establish a condominium over the islands. The South Atlantic conflict of 1982 had not affected the validity or the nature of the dispute..."* [2381]

As in previous years, the draft-resolution is adopted by the Committee without a vote. [2382]

"Argentina received strong support on Thursday at the United Nations Special Committee on Decolonisation (C24), which met in New York to discuss the Malvinas Question, according to a release from the Argentine embassy in London ... The Argentine embassy points out that the C24 adopted by consensus yet another resolution, reiterating "that the way to put an end to the special and particular colonial situation in the question of the Malvinas Islands is the peaceful and negotiated settlement of the dispute over sovereignty" between the Governments of Argentina and the United Kingdom. The resolution, sponsored by Bolivia, Chile, Cuba, Ecuador, Nicaragua and Venezuela, "regrets that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects of the future of the Malvinas Islands, the implementation of the General Assembly resolutions on this question has not yet started". [2383]

June 27th, Sierra Leone's representative addresses the Special Committee on Decolonization.

> *"... the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples put the interests of the people of a Territory first. The Committee needed to maintain its neutrality on the question at hand, and respect the choice of the people. .., the Committee should undertake a visiting mission to Argentina, the United Kingdom and the Islands themselves to gather information."* [2384]

2379 *Ibid*

2380 *UN Doc A/Ac.109/2015/L.7.* See - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/189/12/pdf/N1518912.pdf?OpenElement

2381 *UN Doc A/Ac.109/2014/SR.7.* Another misrepresentation of history. All proposals had been subject to approval by the Islanders.

2382 *UN Doc A/Ac.109/2014/L.7*

2383 *MercoPress* June 28, 2014. Adopted in the full knowledge that the C24 resolution would not be recommended for subsequent adoption by the Unites Nations' General Assembly.

2384 *UN Doc A/Ac.109/2014/L.8.* See June 27, 2015, below. No visiting mission has ever arrived in the Falkland Islands or Gibraltar.

Following the meeting, in a ceremony at the Argentine mission headquarters in New York, ex-Islander Alejandro Betts is given an Argentine passport containing a Falklands address. Those present include Foreign minister Hector Timerman, Argentine Ambassador Maria Cristina Perceval and Malvinas Secretary, Daniel Filmus.

"Former Falkland Islander Alejandro Betts was awarded on Friday an Argentine DNI and passport, with his alleged Falklands address, at an official ceremony at the Argentine UN embassy office in New York. The Argentine governor of the province of Tierra del Fuego, Antarctica and South Atlantic Islands Fabiana Ríos headed the ceremony in which Alejandro Betts received the DNI and passports, with Falklands' address, which makes him an "Islas Malvinas citizen". The ceremony took place a day after Betts acted as petitioner for Argentina before the UN Special Committee on Decolonization regarding the Falklands/Malvinas case. "This is very emotional, because on a day like this, 32 years ago I arrived at my homeland and the great motherland which is the Argentine continent" said Betts who effectively had Argentine documents since 1982 when he abandoned the Falklands following the Argentine surrender and the end of the war. However the difference with those documents is that in the new DNI and passport, the Argentine petitioner figures with his real address in Falklands/Malvinas." [2385]

On hearing the news, the occupier of the address denies that there is anyone with the name Betts living there.

June 29th, in the UK, a Ministerial Statement on Military Medals, is published.

> *"South Atlantic: The qualifying period for the award of the South Atlantic Medal without the Rosette will be extended from 12 July to 21 October 1982. The original decision to end the qualifying period on 12 July 1982 was taken too hastily: those who served beyond that date experienced both risk and rigour until the airfield at Mount Pleasant was completed on 21 October. The qualifying period for the award of the South Atlantic Medal without the Rosette will be extended from 12 July to 21 October 1982. ..."* [2386]

July 11th, from Stanley, *Penguin News* reports:

> *"Former Argentine Vice President Cobos, following his recent visit to the Falklands has stated: "We must rebuild bridges", with the Islands but goes on to say the "recovery", of the Islands is a "permanent unrenounceable objective of the Argentine people", while respecting the way of life of its inhabitants. ... He comments that he is "aware there is no other path than that of peace and diplomacy", and that visiting the Islands, "is an experience that must not be banned to anybody; hopefully others will accept this challenge". Mr Cobos was criticised by the Argentine Government for visiting the Islands because it allowed for his passport to be stamped with the Falkland Islands stamp."*

July 15th, at the UN, the Special Committee on Decolonization submits its annual report for consideration by the Fourth Committee. As in previous years, the Committee does not include its Falklands resolution amongst those listed for adoption by the General Assembly. [2387]

"It was reported that the Argentine government also wanted to persuade the UN Decolonization Committee potentially to force a UN General Assembly vote, which would pressure the British government into coming to the negotiating table. Given that a year after the vote, a ministerial declaration of the 130 nations of the G77

2385 *MercoPress* June 28, 2014
2386 *29 July 2014: Column WS147 Written Statements (annex)*
2387 *UN Doc A/69/23: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2014*

plus China called upon Britain and Argentina to resume dialogue following a manoeuvre by the latter to make this so in June 2014. This declaration gives a strong indicator of how the Assembly might have voted. Indeed, it was arguably only because Argentina was being held to ransom by US vulture funds that the Falklands–Malvinas dispute was not brought before the UN General Assembly. Instead, Argentina was heavily distracted, as President Cristina Kirchner sought to focus her UN Assembly business on proposing new basic principles on sovereign debt-restructuring processes that were eventually approved in 2015." [2388]

The Fédération Internationale de Football Association (FIFA) fines the Argentine football team 30,000 Swiss Francs for displaying a '*Malvinas son Argentinas*' banner on the eve of the World Cup competition. [2389]

August 6th, in Wales, the Carmarthenshire National Eisteddfod is attended by Argentine Ambassador Alicia Castro and Chubut Governor Martin Buzzi.

"Underlining the close links between Wales and Argentine Patagonia, where many Welsh immigrants settled for the first time 150 years ago, Chubut governor Martin Buzzi called on the British government "to open a dialogue on the Malvinas Islands". Governor Buzzi ... met among other Welsh authorities with First Minister Carwyn Jones. Underlining the close links between Wales and Argentine Patagonia, where many Welsh immigrants settled for the first time 150 years ago, Chubut governor Martin Buzzi called on the British government "to open a dialogue on the Malvinas Islands"." [2390]

August 8th, the Welsh Government issues a statement denying that the Falkland Islands were discussed in the meeting between Chubut Governor Martin Buzzi and First Minister Carwyn Jones.

August 13th, in a letter to the UN's Secretary-General, Argentina responds to the UK letter of February 10th.

> *"The Argentine Republic once again expresses its regret that the United Kingdom of Great Britain and Northern Ireland has continued to misrepresent historical facts in a clear attempt to conceal the act of usurpation it committed in 1833; this act has, since the moment the British invaded, been the subject of continuing and repeated protests by Argentina. ... The Argentine Republic rejects each and every one of the claims contained in the aforementioned British reply, considering them mistaken and contradictory.... The British letter also refers to the vote that was unilaterally held by the United Kingdom for the inhabitants which that country implanted in the Malvinas Islands. The vote was intended to ask the inhabitants about questions that gloss over the true legal status of the Islands. It is surprising that the United Kingdom should boast about the results of a so-called "referendum" whose predictable outcome, while it confirms that the subjects in question are British, does not modify the colonial nature of the issue and cannot bring an end to the dispute. This was effectively a unilateral British act and therefore a violation of General Assembly resolution 31/49. That is clearly why the vote was not attended by "international observers", whom British diplomats sought out in vain, but rather by a handful of individuals acting in their personal capacity. Nor was the illegitimate vote recognized in any way by the United Nations or other organizations; indeed, it was rejected by numerous and varied countries and regional forums ..."* [2391]

2388 Levey & Ozarow 2021. For the real reason that there has been no UN GA resolution since 1988, see 1989, 1990 & 2012

2389 See June 7, 2014 above.

2390 *MercoPress* August 7, 2014. A Welsh colony in Patagonia was founded in 1865 A second in 1889. As a result of these settlements, Argentina extended its claims into Patagonia. In 1902, the two Welsh settlements petitioned the UK for annexation. Britain took no action. As a result some 500 Welsh colonists departed for Canada. See Vols. 2 & 3

2391 *UN Doc A/68/978.* There is no requirement that a referendum be approved by the United Nations. Russia did recognise the referendum in the Security Council in 2014. Seeking recognition of its Crimea refrendum.

September 2nd, in Guatamala, Falklands MLA Barry Elsby holds meetings with the Central American Parliament, the Foreign Ministry and academics.

"MLA Elsby discussed a study by academics from the University Francisco Marroquin, who visited the Falklands and analyzed the economics, politics and the rule of law in the Islands. The report highlights the economic potential of the Islands from hydrocarbons, fisheries, and tourism as well as praising its political and social stability. MLA Elsby explained that under the UN Charter the people of the Falkland Islands have the right of self determination and they had exercised this right in their referendum last year when 99.8% out of a 92% turnout had voted in favor of remaining a UK Overseas Territory. The lawmaker also denounced and condemned the bullying actions of the Argentine government." [2392]

September 4th, Argentina complains to the President of the UN's International Conference on Small Island Developing States.

"... I refer to the list of representatives submitted by the United Kingdom of Great Britain and Northern Ireland. The Argentine Government rejects the identification, in the official list of participants, of some members of the delegation of the United Kingdom of Great Britain and Northern Ireland as belonging to the illegitimate government of the Malvinas Islands." [2393]

A ceremony is held at Argentina's Foreign Ministry in celebration of the 50th anniversary of Ruda's speech to the UN Decolonization sub-Committee III in 1964. A booklet is publish to accompany the celebration. [2394]

"This book, edited by the Ministry of Foreign Affairs recalls the beginning of our defense of the Malvinas Argentine sovereignty before the UN. In 1960 the right to independence of subjugated peoples and the end of colonialism was developed at the UN and in 1964 ambassador Ruda made his historic speech ... This week is fifty years since that presentation, so important, by an Argentine ambassador and also something of which we must always be proud: it was a Radical Party in 1964 and a Peronist government in 1948, with a Socialist foreign minister (Atilia Bramuglia), all defending the same cause, which is the recovery of the Malvinas Islands, and the recovery of those Islands in our way of combating colonialism, since Argentina is a country born in the fight against colonialism and because the Argentine people have always supported the fight against colonialism." [2395]

"Argentine foreign minister Héctor Timerman and ex-senator Daniel Filmus, head of the "Secretaría de Asuntos Relativos a las Islas Malvinas" ["Secretariat for Affairs Relative to the Malvinas Islands"], presented a 50-page pamphlet in Spanish and English, entitled "Soberanía Argentina en Malvinas a 50 años del "Alegato Ruda" / Argentine Sovereignty over Malvinas 50 years after the Ruda Statement, ... It reprints the whole of Ruda's speech (with all his errors of course), and Timerman repeated some of them in his introductory speech, including the untrue assertions that the British expelled the Argentine population and that Argentina has never ceased to protest. Against such high-power repetition of errors, the truth has a hard struggle." [2396]

September 12th, in Stanley, the Falklands new Historic Dockyards Museum opens to the public.

2392 *MercoPress* September 3, 2014

2393 *UN Doc A/CONF.223/7*

2394 To refer to Ruda's claims as a litany of errors would be overly polite. Dr. Ruda lied to to the Decolonization Committee in 1964. The booklet can be found here - https://www.argentina.gob.ar/sites/default/files/2021/12/libro_soberania_argentina_en_malvinas._a_50_anos_del_alegato_ruda_.pdf

2395 Foreign Minister Hector Timerman quoted in *MercoPress* September 8, 2014

2396 Pascoe 2020 p.304. See - https://falklandstimeline.wordpress.com/wp-content/uploads/2012/02/2012-false-falklands-history-at-the-un-2nd-ed.pdf

September 24th, in New York, addressing the opening of a new UN General Assembly session, Argentina's President reasserts her country's claims to the South Atlantic Islands.

"... at the 6th plenary meeting of the sixty-ninth session of the General Assembly, the President of Argentina, Cristina Fernández de Kirchner, stated that for more than 100 years, her country had had a claim against the United Kingdom on a matter of sovereignty and asked the Assembly again to call on the United Kingdom to sit down with Argentina to discuss the matter of the sovereignty of the Malvinas." [2397]

September 25th, Britain's Ambassador to the UN exercises a right of reply to Kirchner's comments.

> *"The United Kingdom has no doubt about its sovereignty over the Falkland Islands and the surrounding maritime areas. The United Kingdom attaches great importance to the principle and right of self-determination as set out in Article 1.2 of the Charter of the United Nations, which underpins all United Nations resolutions, and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish. In March 2013, the Falkland Islanders categorically made their wishes known to the international community when 99.8 per cent of the 92 per cent of the electorate which voted, decided in a referendum to maintain their current political relationship with the United Kingdom. Argentina should respect those wishes."* [2398]

October 2nd, in Tierra del Fuego, the BBC's *Top Gear* production team, filming in both Argentina and Chile, are forced to flee the provincial capital of Ushuaia by a mob threatening violence. Argentine veterans are enraged by the suggestion that one of the team's car registration numbers – H982 FKL – is a reference to the 1982 Falklands War. The show's presenters, Jeremy Clarkson, Richard Hammond and James May, fly out to Buenos Aries while the remaining crew attempt to take all their equipment back to Chile. The vehicles are abandoned. [2399]

On the road out to Chile, the crew are stoned by demonstrators. Clarkson speaks to reporters.

> *"There is no question in my mind that we walked into a trap. We were English and that was a good enough reason for the state government to send 29 people into a night filled with rage and flying bricks. ... Make no mistake, lives were at stake."* [2400]

Britain's *Guardian* newspaper reports.

> *"The cast and crew of TV's Top Gear have had to flee Argentina after they were pelted with stones by a crowd incensed that one of their vehicles had a number plate that appeared to refer to the Falklands conflict. ... The BBC has denied any intended reference, saying the car was bought by a member of the production team and its plate was entirely coincidental. ...*
>
> *A group of war veterans protested outside the British crew's hotel in Ushuaia and one local politician said they were escorted to the airport, reportedly flying out of the area three days early. Local press reported that one of the Top Gear team was injured, apparently an Argentinian hired to assist them.*

2397 *UN Doc A/AC.109/2015/19: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 30 March 2015*
2398 *UN Doc A/69/407*
2399 In April 2019, it was reported that the cars had been compacted at an Argentine scrap yard in great secrecy.
2400 The number plate had been registered to the vehicle since its manufacture in 1991.

A receptionist at Ushuaia's five-star Arakur hotel, where the crew were staying, said police were called to clear their hotel lobby after it was invaded by angry war veterans. Martin Marcilla said: "They were very tense moments. The war veterans were furious and shouting insults. Police had to remove them. Luckily things didn't get too out of hand." ... All three cars were abandoned at the side of the road. "We're leaving them here, we don't want any more problems, set fire to them if you like, but we're getting out of here," a member of the crew said, according to local media. Juan Manuel Romano, secretary of social development for Ushuaia in southern Tierra del Fuego province, said: "They have taken the decision to leave."

After returning to the UK on Saturday morning, Clarkson sent out a series of tweets saying "for once" Top Gear had done nothing wrong. "The number plate WAS a coincidence. When it was pointed out to us, we changed it. And these war veterans we upset. Mostly they were in their 20s. Do the maths. They threw us out for the political capital. Thousands chased (the) crew to (the) border. Someone could have been killed."..." [2401]

"The "H982 FKL" plate was the most questionable one from the whole Top Gear team, for it was believed to reference both the year of the armed conflict between Argentina and England and an apocopate form for "Falklands". Other controversial plates featured the numbers 269 and 646, which seemed similar with the number of casualties suffered during the 1982 Falklands conflict." [2402]

"Clarkson ... fabricates an exaggerated story. He describes being ambushed by a mob brandishing "pickaxes". Later, switching narrative style, he recounts another scene: Clarkson claims that a mob was trying to burn the crew's cars – which I understand did not actually happen – and he goes so far as to affirm that "one said they were going to barbecue us and eat the meat". Clarkson's imperialistic imagination is remarkably fertile: Argentina has never practised cannibalism. We do, it is true, eat a lot of beef. But we have never eaten a journalist." [2403]

"... the refusal of possible venues for launching and debating a moderate statement was clear evidence that there was public fear in Argentina. We lived in a fearful society, with a varied list of causes for fear. It should not be denied. And if there was fear of hearing an opinion different from that of a government that claimed to represent the majority, could a society or a country be seen as reliable when government and population deny the existence of fear and play down the evidence? This is just one of several circumstances regarded as minor. But the fact is that wide-ranging negotiation is complicated if there is the presence of fear in that society. bearing (baring?) BE11 END? read by some as a second Clarkson cock-up enhanced by the Daily Mirror's prolonged treatment on 8 October 2014: 'We know bellend doesn't mean the end of the bell and is a word used instead to describe the head of the penis which is often employed as an insult in England'. Was I stretching the point too far to detect and opine on an obscene reference to the END of the BEl grano? Fanciful; an absurdly semiotic over-reading ... with one 'l' of a différance..." [2404]

2401 *The Guardian* October 3, 2014. In 2016, Jeremy Clarkson tweeted; *"Happy Christmas to everyone. Except the Tierra del Fuego people of Argentina. You lot can sod off."*

2402 *MercoPress* October 6, 2014

2403 Ambassador Alicia Castro in *The Independent* newspaper October 13, 2012. The *Top Gear Patagonia Special* aired on December 14, 2014

2404 *It breaks two to tangle: constructing and deconstructing bridges* Bernard McGuirk 2020. Spare licence plates reportedly discovered in the vehicles included one with the registration BE11 END.

October 6th, at Yaounde, Cameroon, Falklands MLAs Barry Elsby and Phyl Rendell attend the 60th Commonwealth Parliamentary Association meeting.

October 7th – 14th, at the UN, the Fourth Committee reviews decolonisation issues and the work of the Special Committee. On the final day, the Fourth Committee forwards draft-resolutions and decisions for adoption by the General Assembly. Without a recommendation by the Special Committee as to its Falklands resolution, only the Falklands resolution is not passed to the General Assembly. No further action on this question is taken. [2405]

October 16th, in Gibraltar, a two day symposium entitled, '*Self-determination, devolution and independence in the 21st century*' opens. Speakers include Prof. Marcelo Kohen[2406] and Luke Coffey[2407] on Falklands' decolonization.

October 17th, Dr. Marcelo Kohen speaks before the symposium. [2408]

> *"… the United Kingdom has not even attempted to present a reasoned argument to justify invoking self-determination. As though it were an axiom, it states that the "Islanders" have the right to determine the future of their territory, simply citing the general rules relating to the principle of self-determination. The British authorities never explain specifically why this right of "peoples" ought to be applicable to the case of the Falkland/Malvinas. They provide either incomplete or falsified information on the composition of the Islands' population …"*

Luke Coffey responds. [2409]

> *"The free will of men and women voting in a democratic and open process without the threat of force or arms but simply because they have chosen to decide collectively how and by whom they wish to be governed, is self determination and is more powerful than any UN General Assembly or C24 resolution."*

October 24th, from the Falklands, *Penguin News* reports; *"Argentina's ambassador to Britain has demanded an apology from the BBC following the motoring show Top Gear's trip to the country last month. … The Argentine embassy in London said ambassador Alicia Castro had complained to the BBC about Clarkson's "provocative behaviour and offensive remarks toward the government and the Argentine people" and called for an apology. The BBC said it would follow its usual complaint procedures."*

October 27th, Malvinas Secretary Daniel Filmus, talking to Britain's *Guardian* newspaper, warns that; *"The environmental risk of exploring for oil in the region is huge. Not just for the islanders, but for the whole of Latin America and even the world. It means potentially undermining biodiversity, … You can't explore without proper support from the continent. The risk of another accident like the Gulf of Mexico is huge."*

October 28th, the Falkland Islands Government note and reject Daniel Filmus' warnings regarding oil exploitation:

2405 *Fourth Committee* Press release *GA/SPD/554.* Also *UN Document A/C.4/69/SR.2 – SR.7. cf.* 1989 & 1990

2406 Kohen is a noted Argentine nationalist whose interpretations of International Law regarding self-determination are controversial.

2407 Margaret Thatcher Fellow of the Davis Institute for National Security and Foreign Policy in Washington.

2408 Marcelo Kohen's speech can be found here - https://en.mercopress.com/2014/10/22/the-falkland-malvinas-islands-and-the-right-of-peoples-to-self-determination

2409 Luke Coffey's full speech can be found here - https://en.mercopress.com/2014/10/21/why-falklands-are-not-extended-the-right-to-self-determination-shame-on-g24

"Mr. Filmus must surely be aware that his statements have no substance. His portrayal of the Falkland Islands hydrocarbons industry is skewed, alarmist, and represents yet another example of the Argentine Government's futile efforts to damage the Falklands economy. It is in no way an accurate description of the flourishing industry which is already planning its next round of drilling in 2015, nor the commitments the which are recognized as one of the highest standards of safety regulation anywhere in the world." [2410]

October 31st, in London, following the demand for an apology by Ambassador Castro regarding the *Top Gear* incident, the BBC responds.

"In a letter to Ms Castro that has been made public, Mr Cohen said the BBC would still broadcast the programme. He said: "I am very aware that some have questioned whether the number-plates were in some way a prank. I would like to reassure you again that nothing we have seen or read since the team returned supports the view that this was a deliberate act." However there was no explicit apology."[2411]

November 10th, in Montevideo, Mercosur's parliament, Parlasur, rejects British control of the Falklands, describing the Anglo-Argentine disagreement as a dispute of "*global*" proportions.

"A letter from the Falklands Government to the Mercosur parliament, Parlasur held in Montevideo was booed by the Argentine delegation on Monday. The letter from MLA Gavin Short to the President of the Mercosur parliament said, "as a fellow parliamentarian", he respectfully suggested, "that in order for Parlasur to uphold its high ideals, it should give an opportunity to a representative of the elected Government of the Falkland Islands to speak at the session on 10th November. By doing so, you will demonstrate that you are impartial as an institution and support human rights and self-determination, fundamental values enshrined in the United Nations Charter and the cornerstone of every democratic Parliament and Assembly". The meeting included lawmakers from Argentina. Brazil. Paraguay, Uruguay and Venezuela. Almost all speakers rejected the Islanders right to self determination. The Argentine Minister claimed the population of the islands is, "artificially settled to ensure the occupation and to conspire against Argentine interests"." [2412]

November 12th, in Buenos Aires, Argentine academic Carlos Escude speaks out about his Government's approach to the Falkland Islands' debate; *"It's not leading anywhere, it's pure rhetoric. It's useful to attract votes of those less educated and that's all ..."* [2413]

November 14th, from Stanley, *Penguin News* reports:

"Britain has put a spanner in the works for Argentina following the latter country's announcement of their intention to buy 24 Saab Gripen E fighters to re-equip their ancient Air Force. Defence News reports that Argentine Defence Minister Agustin Rossi announced on October 21 that his government intended to buy the jets. But his request appeared to ignore a likely insurmountable hurdle to the sale: Britain has a near veto on the export of the combat jet as a result of the substantial number of UK systems in the jet. More than 30 percent of the new version of the Gripen being developed by Saab is supplied by British industry. British business secretary Vince Cable invoked the ban on the sale of all military and dual-use technology for use by Argentina in 2012. That export license is still in place and will likely remain given the impasse over the Falkland Islands. "We are determined to ensure that no

2410 Quoted in *MercoPress* November 6, 2014.
2411 *BBC News* October 31, 2014
2412 *Penguin News* November 14, 2014
2413 Quoted in *MercoPress* November 12, 2014.

British-licensable exports or trade have the potential to be used by Argentina to impose an economic blockade on the Falkland Islanders or inhibit their legitimate rights to develop their own economy", said a spokesperson for the UK Department of Business, Innovation and Skills."

November 19th, an Argentine law requires that public transport carry the logo – *"Malvinas son Argentinas"*

"Argentina has approved a new law which states that all public transport across the country must be stamped with the words: "The Falklands are Argentina". Teresita Luna, a politician from La Rioja province, in the west of the country bordering Chile, proposed the new regulation – which was approved unanimously on Wednesday night. The law, part of a larger package of more than 60 measures debated over a six-hour session, means that all vehicles – on road, rail, by water or in the air – used for public transport must display the words: "Las Malvinas son Argentinas". Departure areas and arrival stations must also carry the message. "I am certain that this will generate a permanent reflection on our undeniable sovereignty over the Falklands", wrote Ms Luna, outlining her reasons for introducing the law. "It is directed not only at the foreigner who comes here as a tourist or visits our country, but also at the citizens in general, and will serve to reinforce our history, our culture and our identity". She added that the measure was introduced to "reaffirm our sense of inalienable sovereignty over the Falkland Islands"." [2414]

In Britain, the FCO comments that the new law is; *"... regrettable but not surprising."*

November 24th, in the UK, *The Independent* newspaper reports:

"Archaeologists in Argentina are set to exhume the unidentified bodies of over 100 Argentine soldiers who were killed during the Falklands War. The Argentine Group of Anthropological Forensics (AGAF) has been preparing for a year for their chance to dig up the 123 unidentified bodies buried on the Falkland Islands, and it seems now that the group will finally been given the green light to begin their work.

As part of their preparations, the group has contacted 78 families who have agreed to give blood samples, as well as provide information on the appearance of their loved ones, so that these details be placed into a database. He said: "From the technical point of view, we are ready to launch the operation in the Falkland Islands when it is requested. We believe in eight weeks' time, we can exhume the bodies, analyse them, take the samples and rebury them in the Darwin cemetery".

The group has said that they must carry out the work before March 2015, as the weather after that period will make digging nearly impossible"

November 25th, from Uruguay, *MercoPress* reports; *"... the Falkland Islands government has received no formal request for the exhumation and identification of the Argentine combatants buried at the Darwin Cemetery, was the reply from Gilbert House in Stanley to reports to that effect in The Independent, and in the Argentine media. ... MLA Dr. Barry Elsby said that "the Falkland Islands Government is aware of the desire of many to exhume and identify the fallen at Darwin Cemetery, but to date has not received a formal request for permission to undertake this work"."*

2414 *The Telegraph* November 20, 2014

In London, on the same day, Ambassador Alicia Castro addresses a further complaint to the BBC regarding an article by *Top Gear's* Jeremy Clarkson in the *Sunday Times*. Claiming that the article is, *"insulting",* Castro issues a veiled threat; *"There is a record of excellent cooperation between the BBC and Argentina, with BBC Earth's Walking Giants and BBC Patagonia being only the most recent examples of production teams that have been enjoying the hospitality and full cooperation of the Argentine people and Government … I am sure you cherish this relationship as much as we do, and we hope that it will continue to blossom in the future."* [2415]

The BBC announce that the *Top Gear: Patagonia Special* will be aired at Christmas.

December 3rd, in Ottawa, during a visit by representatives of the Falkland Islands Government (FIG) to Canada, the Foreign Minister confirms; *"We support the self-determination of the people of the Falkland Islands, as we do people everywhere around the world."*

In the Falklands, a petition is raised calling upon the Falklands Government to take action against visitors to the Islands raising the Argentine flag which is considered offensive.

"It notes: "We are repeatedly reminded that appropriate legislation exists for The Royal Falkland Islands Police (RFIP) to act on behavior that is causing distress. The Argentine flag waving IS causing distress to many within our community, but yet the RFIP take no action". One of the chief concerns is that, "sooner rather than later a Falkland Islands resident will be provoked by this flag waving and will take the law into their own hands. No doubt this will cause at the very least a RFIP reaction"…" [2416]

December 5th, at the UN, the General Assembly adopt resolution *69/98*.

> *"1. Reaffirms the right of the peoples of the Non-Self-Governing Territories to self-determination in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as their right to the enjoyment of their natural resources and their right to dispose of those resources in their best interest;.."*

This resolution also reaffirms the responsibility of Administering Powers; *" .. to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories, and reaffirms the legitimate rights of their peoples over their natural resources;.."*

On the same day, resolution *69/105* is also adopted.

> *"2. Also reaffirms that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;…"* [2417]

December 16th, in Buenos Aires, Malvinas Secretary Daniel Filmus announces the – *'First National Encounter of Researchers about the Malvinas Question: challenges and new approaches.'* Filmus explains that the purpose of the new group is to promote academic debate.

2415 The *BBC's* response appears to have been that they were not the *Sunday Times*.

2416 *MercoPress* December 3, 2014

2417 This statement of general application was included within the omnibus resolution entitled *Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands. cf.* 2004, 2008 & 2016

"There are three issues deeply connected to the Malvinas Question. In the first place, we need to dig deeper into the historical and juridical arguments that support our claim. Then we have the subject of the continental platform and, lastly, the establishment of international relationships that will allow us to strengthen our claim." [2418]

December 17th, Britain's Ambassador to the UN, Lyall Grant, is interviewed by *The Telegraph* newspaper.

"The UK Ambassador regretted that the Special Committee on Decolonisation continues to ignore the Falkland Islands Government's invitation to visit the Falkland Islands to see the reality of this flourishing, self-governing territory for themselves and to hear why the Islanders wish to remain a UK Overseas Territory,...

The Committee's approach of ignoring the people directly affected is outdated and inconsistent with their proclaimed objective of assisting the peoples of the non-self-governing territories to achieve their right of self-determination." [2419]

"Britain's ambassador to the United Nations has hit out at the UN's Special Committee on Decolonisation (C24) for its "outdated" approach to dealing with overseas territories. Sir Mark Lyall Grant said Britain had invited Xavier Lasso Mendoza, the committee chair who is also Ecuador's ambassador to the UN, to visit the Falklands to see that its people want to stay part of Britain. "The UK ambassador regretted that the Special Committee on Decolonisation continues to ignore the Falkland Islands Government's invitation to visit the Falkland Islands to see the reality of this flourishing, self-governing territory' for themselves and to hear why the Islanders wish to remain a UK Overseas Territory", said Mr Grant." [2420]

December 18th, Prime Minister David Cameron sends a Christmas Message to the Falkland Islanders.

"One hundred years ago, the Allies defended their base in Stanley from German aggression and this month we honour the sacrifice that so many made. And three decades ago, UK forces stood with the islanders as they faced a direct and grave threat to their sovereignty and it is absolutely right that we will be recognising this next year, when your islands will collectively receive the South Atlantic Medal and that you'll be unveiling a bronze statue to honour someone who played such an important role in that liberation – Baroness Thatcher. … We may be 8,000 miles apart, you may be waking up on Christmas morning as we prepare our Christmas lunches, but our bond remains as strong as ever..."

"Falkland Islanders are to be collectively awarded the South Atlantic Medal in recognition of, "a direct and grave threat to their sovereignty". Prime Minister David Cameron announced yesterday. Foreign Secretary Philip Hammond said: "The Islanders' individual acts of courage exemplified the indomitable will and personal commitment to defending the Islands' right of self-determination". The role of Falkland Islanders in supporting the British Forces as well as individually resisting the Argentine occupiers during the war of 1982 is well known. While later in the campaign farmers and other Islanders transported British troops, supplies and ammunition, sometimes to the front line, others used banned radios to transmit intelligence, and in Stanley individuals risked danger by sabotaging Argentine equipment." [2421]

In Buenos Aires, the President's office issue a statement.

2418 Fimus quoted in *MercoPress* December 17, 2014
2419 *The Telegraph* December 17, 2014
2420 *Penguin News* December 19, 2014
2421 *Ibid.*

"On 18 December 2014, the President of Argentina, in Buenos Aires, expressed her wish that the Government of the United Kingdom would follow the example of the United States of America, which had recently re-established diplomatic relations with Cuba, review its stance and resume sovereignty negotiations with Argentina on the question of the Malvinas Islands, in accordance with the relevant resolutions of the General Assembly." [2422]

December 20th, from London, Ambassador Alicia Castro, in an interview with Buenos Aires based *FM Radio Nacional Rock*, accuses Britain of rejoicing in war; *"They announced they will erect a statute of Margaret Thatcher in our Malvinas Islands and that they will grant a medal of honour to inhabitants there for their resistance against the Argentine Republic. That is a celebration of war,.."* [2423]

December 29th, in the UK, the BBC's controversial *Top Gear Patagonia Special* is aired.

"BBC2 went ahead with the Patagonia Special broadcast, despite a formal complaint to the corporation from the Argentine ambassador to the UK. Sunday's episode concluded with several minutes of footage showing the Top Gear production team's convoy being escorted out of Argentina by police and at one point being pelted with stones and eggs by an angry mob. Top Gear concluded with an homage to the famous final scene of Butch Cassidy and the Sundance Kid, in which Paul Newman and Robert Redford charge out into a hail of bullets." [2424]

December 31st, the UK makes a declaration to the International Court of Justice (ICJ), automatically recognising the court's compulsory jurisdiction in cases arising after 1st January, 1984. [2425]

2015 – January 3rd, after issuing its annual press release, Argentina informs the UN.

> *"... While the unlawful occupation of this part of the Argentine territory persists, the United Kingdom continues to perpetrate unilateral activities for the exploration and exploitation of renewable and non-renewable natural resources in unlawfully occupied Argentine maritime areas..."* [2426]

Argentina's Ministry of Education, announces the facsimile reissue of Paul Groussac's compendium - *Les Îles Malouines* - for the classrooms of all Argentine schools. [2427]

"... we maintain that by recirculating this work by Groussac, we are not only paying tribute to his figure and the work he accomplished. We also aim to bring to the present the character of an era and the ideas and men who made it possible for a forgotten work written in 1910 to find new readers and also new ways of being read. By bringing it to the present, we, as educators, take on the task of rereading that past and understanding it from a very different perspective, where the Argentine people and state are united in the national and South American cause of recovering our Malvinas Islands through the peaceful channels of negotiation and dialogue." [2428]

2422 *UN Doc A/AC.109/2015/19 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 30 March 2015*
2423 *MercoPress* December 20, 2014.
2424 *The Guardian* December 29, 2014. After an inquiry, the BBC Trust rejected Argentine complaints in May, 2015
2425 A previous declaration had taken place in 2004. This only applies to automatic recognition and does not prevent an approach to the ICJ with regard to issues that arose before this date where all parties agree. *cf.* July, 2004.
2426 *UN Doc A/69/716*
2427 Written by Groussac in 1910, the book had a circulation much limited by it being written French in a Spanish-speaking country with illiteracy rates above 75%. A shorter, Spanish language version, was published in 1934 following a campaign by Alfredo Palacios. See 1934.
2428 *Malvinas, de Groussac a Nosotros* Prof. Alberto E. Sileoni 2015 (by way of introduction to the work)

January 10th, at Stanley, a bronze bust of Margaret Thatcher is unveiled by her son Mark Thatcher.

> *"A statue honouring Margaret Thatcher has been unveiled in the Falkland Islands for the first time. The tribute to the former Prime Minister – who lead Britain to victory in the 1982 conflict to defend the islands – was revealed in the island's capital Stanley on Saturday. After Baroness Thatcher died in 2013 the population of the Falkland Islands were consulted about how they wished to commemorate the leader. The overwhelming response was for a statue which was unveiled at a ceremony on what is Margaret Thatcher Day on the island by her son Sir Mark Thatcher. Local sculptor Steve Masson was commissioned to carry out the work which cost around £40,000 and stands eight foot high on a stone plinth.*
>
> *The bronze statue bears a brass plaque with a quote from Baroness Thatcher on April 3, 1982: "They are few in number, but they have the right to live in peace, to choose their own way of life and determine their own allegiance." The bust is at the end of Thatcher Drive, next to the Liberation Monument, which honours 255 UK servicemen and three Falklands civilians who died in the conflict."*[2429]

January 17th, a Pan-American science delegation arrives in the Falklands; *"Scientists from the US, Canada, Chile, Brazil, Mexico and Colombia will have the opportunity to form partnerships and collaborate with the South Atlantic Environmental Research Institute (SAERI) with the aim of establishing the Falklands and the wider South Atlantic as a place for groundbreaking scientific research. A journalist from National Geographic and a TV crew from Uruguay will document life on these largely unexplored Islands."* [2430]

January 22nd, Falkland islanders celebrate 250 years since Byron affirmed Hawkins' claim for Britain.[2431]

"The 250th anniversary of the Union Flag being raised by Commodore John Byron in 1765 was celebrated on Wednesday with a Rover Rally. A large convoy of vehicles made its way from Sapper Hill to Victory Green in the centre of the town. Quad bikes, Land Rovers and even lorries followed the route and reminiscent of the 2013 referendum rally, most of the vehicles sported the flags of the Falklands and the UK demonstrating the wishes of the community to remain British. Today a time capsule is to be buried at Port Egmont on Saunders Island where the Union Flag was first raised. It will be filled with donations from the public showing how life is in the Islands now and is to be opened in 250 years time. Celebrations will culminate in an all day event at Stanley racecourse at the end of the month." [2432]

2429 *The Telegraph* January 11, 2015
2430 *MercoPress* January 20, 2015
2431 See 1765
2432 *Penguin News* January 23, 2015

"As part of the celebrations of the 250th anniversary of the Union Flag being raised by English Commodore John Byron in the Falkland Islands, on 21 January 1765, more precisely on Saunders Island, a ceremonial sod of turf was raised on the site for a 'Time Capsule' to be buried. The idea was among many to celebrate the landmark event in Falkland's history and was organized by Mr. 'Taff' Davies, a British forces veteran and resident of Stanley. The time capsule is to be opened in 250 years on the 500th anniversary of the day." [2433]

January 29th, Britain responds to Argentina's letter of January 3rd.

> *"The United Kingdom is clear about both the historical and legal position on the sovereignty of the Falkland Islands. No civilian population was expelled from the Falkland Islands on 3 January 1833. An Argentine military garrison had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine military garrison on 3 January 1833. The civilian population, who had previously sought and received British permission to reside on the Islands, were encouraged to remain. The majority voluntarily chose to do so.In 1833, the territorial borders of the Republic of Argentina did not include the geographical southern half of its present form, nor any territory in the Falkland Islands, Antarctica, or South Georgia and the South Sandwich Islands. … British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina even existed. The Republic of Argentina's claim to the Islands, which it bases on the principle of disruption to its territorial integrity, is without foundation, as the Islands have never legitimately been administered by, or formed part of, the sovereign territory of the Republic of Argentina …"* [2434]

January 30th, *Penguin News* reports; *"… "Treat the bad behaviour of Argentine visitor's with the contempt it deserves", was MLA Jan Cheek's advice to the large group who gathered at the Chamber of Commerce for a public meeting on Monday evening. The meeting chaired by MLA Barry Elsby was dominated by the subject of a recent petition demanding action from the Falkland Islands Government in relation to Argentine visitors displaying Argentine flags which was described as "disturbing and distressing" for many Islanders. Kris Thorsen presented the petition containing 494 signatures to MLAs at the end of the meeting. …"*

"… after a series of incidents – clandestine film projects, child rugby recruitment, and flag waving – a group of islanders gathered 494 signatures in 2015 to petition for stricter limits to free speech, including a ban on Argentine flags." [2435]

2433 *MercoPress* January 29, 2015
2434 *UN Doc A/69/756*
2435 Blair 2023

February 26th, from Uruguay, South American news agency, *MercoPress,* reports:

> *"Argentina's secretary for issues relative to the Malvinas Islands, Daniel Filmus, visited this week Guatemala as part of a tour of Central America to promote the 'Malvinas cause' and collect support from regional governments and institutions. Filmus first stop in Central America was in Nicaragua where the government of president Daniel Ortega ratified full support for Argentina's sovereignty claim over the Falklands/Malvinas."* [2436]

March 3rd, Argentina announces the issue of a 50-peso note carrying an image of the gaucho Antonio Rivero. [2437]

"Britain derided a new Argentine banknote featuring the disputed Falkland Islands as a stunt on Tuesday and said it had no intention of discussing sovereignty over the archipelago with Buenos Aires. ... Hit by high inflation, Argentina issued a new 50-peso banknote this month described by the central bank as a reminder of the South American country's "undying claim" to the Malvinas Islands and other South Atlantic insular territories. "On the issue of the 50-peso banknote, we can't stop the Argentine government from these stunts", Hugo Swire, a minister of state at the British Foreign Office, said when asked about the note in parliament. "It's worth a whopping 3.72 pounds ($6) according to today's exchange rate", he added. "And I think it probably has the equivalent political value"." [2438]

"... it was steadily withdrawn from late 2017." [2439]

March 24th, press speculation regarding increased military spending by Argentina coincides with the results of a British review. Secretary of State for Defence, Michael Fallon, informs Parliament of the conclusions.

> *"The Ministry of Defence retains responsibility for the external defence and security of British interests in the south Atlantic, and, to that end, undertakes regular assessments to ensure that we have in place the appropriate defensive capability. In autumn 2013, my predecessor asked officials to undertake a thorough review of the forces we hold on the Falkland Islands and our contingency plans for their defence. The objective was to ensure that our enduring commitment to the defence of the islands is sustained effectively. That review has now been completed.*
>
> *The review's conclusions remain operationally sensitive in the light of potential threats, and I hope the House will understand that I cannot disclose much of the detail. However, I can tell the House that we have updated our assessment of any threat to the islands. This includes a consideration of the changes that may arise from the islanders' plans to develop their economy, including the potential for development of an oil and gas industry. We continue to discuss these issues with the Falkland Islands Government.*
>
> *I have endorsed the assessment of the Chief of the Defence Staff and the Commander of Joint Forces Command that the current military presence is broadly proportionate to the threats and risks that we face.*

2436 Following in the footsteps of the Falkland Islands MLAs who had toured central America in 2014?
2437 *cf.* August, 1833, March, 1956, November, 1965, January, 1966, April, 1966, August, 1972, April 1982, August 2012
2438 *MercoPress* March 3, 2015
2439 Pascoe 2020. p166

Our forces in the south Atlantic are entirely defensive, and are at the level required to ensure the defence of the Falkland Islands against any potential threat. However, I have also agreed a number of measures designed to ensure our resilience for the short, medium and longer term. Those measures will include the return of military support helicopters, which were removed in 2006 to support operations in Afghanistan. On current plans, this will involve the deployment of two Chinooks, which will be operational by the middle of next year. This is a significant capability that will provide reactive, 24/7 tactical mobility in order to allow a swift and decisive response to any emerging incidents. The helicopters will also bring a heavy-lift capability and enhance the training opportunities available to the resident infantry company. … The review we have undertaken confirms our commitment to the Falkland Islands. We will continue to defend the right of the Falkland islanders to determine their future and maintain their way of life against whatever threats may arise. … expenditure is a 10-year programme: there will be expenditure of £180 million over the next 10 years " [2440]

"Britain will spend £280m over the next 10 years on renewing and beefing up its defences of the Falkland Islands. Defence Secretary Michael Fallon told the BBC "any future and possible threats" to the islands had to be taken into account. The long-running dispute over the British overseas territory has been heightened in recent years. Mr Fallon said the government was committed to protecting the islanders' "right to remain British". Britain is to deploy two RAF Chinook transport helicopters to help the islands' garrison to help mount a "swift and decisive response" to any "emerging incidents", Mr Fallon told MPs." [2441]

"Taking into account that England allocates around 65 million pounds to the islands per year in defense and that Defense Minister Michael Fallon had announced in 2015 that the Government would invest 268 million dollars in the next 10 years in order to ensure the protection of the inhabitants of that territory. We see that the islands generate a surplus. And they do so beyond the hypothetical expansion of oil resources and the struggle for possession of Antarctica." [2442]

Argentina's immediate reaction is to call the announcement; *"… a new attempt to militarize the South Atlantic."*[2443]

"The government of President Cristina Fernandez accused the United Kingdom of using an alleged Argentine threat to the Falkland/Malvinas Islands in order to boost its military budget, while also claiming that the archipelago has been turned into an electoral campaign issue. After UK Defense Secretary Michael Fallon announced earlier on Tuesday before Parliament that the British military garrison on the Falklands would be upgraded, because of what he described a "live threat" against the South Atlantic islands, the Argentine government lashed back with a terse statement. According to the Foreign Ministry, headed by Hector Timerman, the UK is guilty of "bringing up the ghost of a supposed Argentine threat in order to increase the military budget", a move described as "unbelievable and absolutely unjustifiable". Those abundant funds should be used in benefit of the British people, to combat unemployment, improve education and health services, and social inclusion: "you can't keep deceiving UK citizens and tax payers with ghosts from the past"."[2444]

2440 Hansard Commons March 24, 2015 Falkland Islands Defence Review. Debate can be found here - https://hansard.parliament.uk/commons/2015-03-24/debates/15032449000001/FalklandIslandsDefenceReview
2441 *Britain to Boost Falkland Islands Defences* BBC News March 24, 2015
2442 Caviasca 2018
2443 Secretary Daniel Filmus quoted in *Telam* March 24, 2015
2444 *MercoPress* March 25, 2015

March 30th, in New York, Argentina complains to the United Nations. [2445]

> *"In his address, the Secretary of State announced an unwarranted increase in the already excessive military expenditure in the Malvinas Islands. By invoking an alleged and implausible Argentine "threat", the United Kingdom seeks to justify a military presence typical of a colonial Power. … the region as a whole shares my country's concern over the British militarization of the South Atlantic, which has been denounced by various international forums because it creates an unnecessary and unjustified tension in the South Atlantic, a nuclear-weapon-free zone characterized by its commitment to peace.*
>
> *Faced with the obligation that is equally binding on both sides to find a solution to the dispute, the United Kingdom has confirmed with this announcement that it is determined to engage in an arms build-up and warmongering."*

Argentina adds a request to the Secretary-General; *"In the light of your ongoing mission of good offices, which was mandated by the General Assembly and its Special Committee on decolonization, … urge the United Kingdom to sit at the negotiating table, in compliance with General Assembly resolution 2065 (XX), adopted 50 years ago and reiterated in more than 40 General Assembly resolutions (sic), and as recommended by the Special Committee."* [2446]

"The United Kingdom rejects the Republic of Argentina's continued claims that the United Kingdom is militarizing the Falkland Islands. Any suggestion that the United Kingdom is seeking to threaten militarily either the Republic of Argentina or the wider region is without foundation. Our forces in the South Atlantic are entirely defensive, and are at the appropriate level to ensure the defence of the Falkland Islands against any potential threat. In fact, the United Kingdom's military presence on the Falkland Islands has significantly reduced over time. The figure peaked at over 20,000 personnel in the aftermath of the illegal Argentine invasion of 1982. In the mid-1990s it stood at around 1,800. And, since 2002, it has remained at around 1,200. That number is not expected to change as a result of the conclusions of the force posture review announced by the Secretary of State for Defence last month. …" [2447]

On the same day, at the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization.

> *"Action taken by the General Assembly: By its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present paper, no such notification by a Member State to the Assembly had been received."* [2448]

April 2nd, in Ushuaia, at a gathering to commemorate the start of the Falklands War in 1982, President Cristina Fernandez de Kirchner claims that Argentina is "*malvinizing*" its history; *"I believe that many, many of those laid to rest in Darwin, others of those who sank with the Belgrano, were true martyrs in the struggle against*

2445 *UN Doc A/69/850.*

2446 *Ibid.* There is no 'on-going' mission of good offices as there has been no express mandate given to the Secretary-General by the General Assembly since the resolution of 1988. And only ever 10 UN General Assembly resolutions adopted on the Falklands. Argentina is inclined to add Decolonization Committee resolutions to the list.

2447 *UN Doc A/69/886: Letter dated 24 April 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*

2448 *UN Doc A/AC.109/2015/19: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 30 March 2015.* Another year without any call for a UN GA debate on the Falklands issue. *cf.* 2004

colonialism and the fight for the definitive independence of our country, at least territorial independence, since we're still missing, we're missing a little bit, we're missing a bit of territorial independence, despite the 9th of July. There will be no complete 9th of July until we can recover our Malvinas Islands." [2449]

"Argentina is 'malvinazing' (Malvinas) its history, but not through chauvinist patriotism but mature nationalism that seeks international law and peace to recover sovereignty over the Malvinas Islands, said President Cristina Fernandez during the 33rd anniversary of the beginning of the South Atlantic conflict on 2 April 1982. "Things are changing not only in our country, where we have began to 'malvinize' our history which does not mean a chauvinist patriotism but a mature nationality that seeks international right, dialogue and not the militarization in the path to sovereignty" affirmed Cristina Fernández in the main ceremony held in Ushuaia,..." [2450]

In London, Ambassador Castro speaks to the press; *"Argentina will never ever again go to war over the Malvinas Islands. It was the brutal dictatorship that ruled our country in 1982 that led us into the conflict, in an attempt to cling on to its eroding power. Meanwhile, Margaret Thatcher prevented a peaceful solution in order to gain an electoral boost. Today, our country lives under a democratic system guided by the principles of truth and justice, which ascribes a central role to human rights. It is striking that the British government that negotiated with the military dictatorships between 1966-1973 and 1976-1982, is today refusing to talk to a democratic and popular government."* [2451]

"The combatants of 1982 are "martyrs" and the war is a national cause inasmuch as Malvinas is a continuation of the struggles for Independence begun two centuries ago. Thus, national past is called into question and celebrated at the same time, inaugurating a new memory regarding Malvinas. And this memory is populated with new characters." [2452]

April 5th, in London, the Argentine Ambassador is summoned to the Foreign Office to explain allegations that the UK has spied upon Argentina. [2453]

> *"The British Foreign Office summoned me ... to express complaints against Argentina; it is pretty much unbelievable that they should complain when they have been failing to abide by international law for 50 years, ... It's unbelievable they should recriminate us as if we were still a colony."* [2454]

April 6th, in Buenos Aires, the British Ambassador is summoned to the Foreign Ministry.

"The U.K. government on Friday confirmed its ambassador in Buenos Aires had been summoned to a meeting at Argentina's foreign ministry, in the latest flare-up of the long-running diplomatic row over the sovereignty of the Falkland Islands that has engulfed oil and gas exploration companies. The Argentine Deputy Foreign Minister Eduardo Zuain summoned the U.K. ambassador on Thursday to explain a report published by online magazine The Intercept that contended the U.K. had spied on Argentina over the Falklands dispute, the Argentine embassy in London said in a statement. The meeting Thursday came a day after the U.K. had summoned the Argentine ambassador in London... During Thursday's meeting, Mr. Zuain notified the U.K. ambassador of Argentina's intention to take legal action that day against companies carrying out hydrocarbon exploration in the waters around the Falklands and he expressed the Argentine government's

2449 President Kirchner quoted in Salerno 2019. On July 9 each year, Argentina celebrates its independence. See 1816.
2450 *MercoPress* April 3, 2015
2451 *Ibid.* Two days before the Argentine invasion in 1982, the Tory party were 2% ahead of its rivals in the polls.
2452 Salerno 2019
2453 A Freedom of Information (FOI) request failed to elicit any details regarding the discussion.
2454 *MercoPress* April 11, 2015

unease about the U.K.'s plans to spend £180 million ($264.83 million) on modernizing its military infrastructure on the islands. The same day, Argentina filed a criminal complaint with a government body – similar to the Attorney General's office in the U.S. – against several exploration companies, including from the U.K. and U.S., according to the Argentine government. The government said its complaint alleges the companies are breaking the law by engaging in offshore exploration without previously obtaining approval from Argentina's energy secretariat. It added that the complaint also includes criminal accusations against the companies' executives and board members." [2455]

April 8th, from Uruguay, *MercoPress* reports:

> *"Argentina's most southern province, identified as Tierra del Fuego, Antarctica and South Atlantic islands, is redesigning its internal political limits with the purpose of "contributing to the territorial sovereignty of the Nation", according to a bill sent to the provincial legislative by governor Fabiana Ríos and drafted with help from the Malvinas Question Advisory Observatory.*
>
> *According to the Ushuaia daily, Diario del Fin del Mundo, the bill establishes the political division of the province into four departments: Rio Grande, Ushuaia, South Atlantic Islands, which includes Falklands and South Georgia, and Antarctica.*
>
> *The South Atlantic Islands Department includes the Falklands/Malvinas Islands, Beauchene island, the Coromoran and Negra rocks, South Georgia, South Sandwich islands, other islands, islets and rocks in the interior waters and territorial sea generated by those territories according to Law 23.968, which refers to Argentina's Territorial Sea. The Argentine Antarctica Department is to extend from Parallel 60 to the North to the South Pole in the South. Meridian 25 East and Meridian 74 West."*

April 9th, Argentina's Government accuses 5 oil companies of; *"... carrying out hydrocarbon exploration activities on Argentina's continental shelf without obtaining the corresponding authorization from the Energy Secretariat."*

April 17th, in London, Argentina's Malvinas Secretary holds a press conference to reaffirm his country's intention to take legal action against oil companies involved in exploration around the Falklands.

"Daniel Filmus, Argentina's minister for the Falklands, announced the start of the lawsuit in London on Friday, saying a judge in Rio Grande, Argentina, had agreed to take on the case. The main companies involved in oil drilling in the Falklands are Premier Oil, Falkland Oil and Gas and Rockhopper, which are based in the U.K., as well as Edison International and Noble Energy – both based in the U.S. Filmus told a press conference at the residence of Argentina's ambassador to London that his country was determined to use international and national law to pursue the case. "I want to make it clear for the directors of these companies and for British public opinion that Argentina will use the full force of the law – both national and international law – to prevent these countries from taking the riches which belong to 40 million Argentine citizens," Filmus told BBC News, "Argentina has extradition treaties around the world and we intend to use them." Filmus said anyone found guilty of illegal exploration in Argentina would face a sentence of 5 to 10 years in prison, while sentences for illegal extraction would be even longer." [2456]

2455 *Wall Street Journal* April 10, 2014
2456 *Al-Jazeera: America* April 17, 2015

April 18th, in an interview with *Sky News*, Foreign Secretary Philip Hammond says; *"It is an outrageous piece of bullying and threatening against the Falkland Islanders' perfect right to develop their own economic resources and Argentina needs to stop this kind of behaviour and start acting like a responsible member of the International community."*

April 20th, Buenos Aires newspaper *La Nacion* reports that London has not responded to a request from the Argentine Government to allow the Red Cross and Argentine forensic experts to carry out DNA testing at the Military Cemetery in the Falklands.

"The article from Martin Dinatale, quoting Argentine government sources, underlines that the UK is doing its utmost to delay the arrival of International Red Cross and Argentine forensic experts to the Falklands to begin the task of checking the DNAs of families who lost beloved ones in the war with those of remains in the NN (not known) graves."This can only lead us to believe that UK is applying delay tactics", since this means waiting five months before good climate conditions return to the Islands, writes La Nacion … Apparently Argentina six months ago through the International Red Cross presented the request for the forensic experts to travel to the Falklands, but "so far there has been no reply"." [2457]

"Member of Legislative Assembly lan Hansen said this week that the Falkland Islands Government had not received a formal request from the Government of Argentina nor the ICRC to exhume and identify Argentine soldiers at Darwin. The Argentine cemetery at Darwin has 237 graves, of which 123 remain unidentified. On Monday Buenos Aires daily La Nacion reported that London had not replied to a request sent by Argentina five months ago to allow Red Cross and Argentine forensic experts to carry out DNA testing on soldiers buried in the Falklands. MLA Hansen said: "The Assembly understands that the identification of soldiers interred at Darwin Cemetery is a sensitive issue, and that families of those soldiers still seek answers to the fate of their loved ones. We are aware that the UK Government has been approached by the Red Cross but the Falkland Islands Government has not received a formal request from the Government of Argentina nor the 1CRC to exhume and identify Argentine soldiers at Darwin"." [2458]

April 22nd, in Rio Grande, Tierra del Fuego province, criminal cases against 5 companies involved in oil exploration off the Falklands archipelago are lodged by the Argentine Government. [2459]

"Daniel Filmus, Argentina's minister for the islands – called the Malvinas locally – announced the case in London. The companies involved are Falkland Oil and Gas, Premier Oil, Rockhopper, Edison International and Noble Energy. Mr Filmus told the BBC the companies were "performing illegal acts by entering Argentine territory". He added: "I want to make it clear for the directors of these companies and for British public opinion that Argentina will use the full force of the law – both national and international law – to prevent these countries from taking the riches which belong to 40 million Argentine citizens. "Argentina has extradition treaties around the world and we intend to use them." He added that the area being drilled was "as much ours as the centre of Buenos Aires. Neither the UK nor any other country would allow anyone to enter their territory and take away their riches." In response, UK Foreign Secretary Philip Hammond accused the Argentines of "outrageous bullying". He said the islanders had a "perfect right to develop their own economic resources and Argentina needs to stop this kind of behaviour and start acting like a responsible member of the international community". The Falklands Islands government also said the Argentines had no case." [2460]

2457 *MercoPress* April 22, 2015

2458 *Penguin News* April 24, 2015

2459 British companies *Rockhopper Exploration*, *Premier Oil* and *Falkland Oil and Gas*. American company *Noble Energy* and *Edison International SpA* of Italy. See June 25th below.

2460 *Argentina launches lawsuit against Falkland oil drillers* BBC News April 17, 2015

May 3rd, in Ethiopia, Malvinas Secretary Daniel Filmus claims that in pursuing sovereignty over the Falkland Islands, Argentina is following on from the teachings of Mahatma Ghandi. [2461]

May 20th, in Managua, Nicaragua, Falklands MLA Phyl Rendell tells the UN Decolonization Committee's Regional Seminar that the Islanders are very pleased with their current political status. [2462]

May 28th, *Premier Oil* announce a further oil discovery in the North Falkland Basin.

June 1st, from Uruguay, South American news agency, *MercoPress,* reports:

> *"For the first time a man born in the Falkland Islands, will be voting in the coming Argentine elections, according to reports in the Buenos Aires media. The man is Alejandro Betts, 58, who received his Argentine ID at a ceremony in the Argentine embassy before United Nations, and will thus be eligible to cast a ballot in the coming Tierra del Fuego provincial and municipal elections. Betts, according to the reports will be voting in Ushuaia, Tierra del Fuego, following on a decision from the Provincial Electoral Board and the City of Ushuaia, which in a joint session agreed to invite Betts to participate in the elections and thus "guarantee his constitutional right to vote for candidates of his choosing", according to Argentine news agency DYN.*
>
> *Betts ... will now become the first Argentine citizen with address in the Falklands to be registered and able to vote in Argentina. The Tierra del Fuego Electoral board argued that Betts, who was born in Port Stanley, "has publicly expressed his support for Argentina's sovereignty claims over the Islands". Why Ushuaia? Because according to Argentine law the most austral Argentine territory is officially identified as Tierra del Fuego, Argentine Antarctica and South Atlantic Islands, and thus includes the Falklands, where Betts supposedly has his original domicile and address."* [2463]

June 10th, in its annual press release commemorating the decree of 1829,[2464] Argentina's government asserts that it intends to resume negotiations with the UK so as; *"... to reach a definitive solution to this unacceptable and anachronistic colonial situation."*

On the same day, at a summit between the European Union and the Community of Latin American States (CELAC), Argentina's Foreign Minister, Hector Timerman, interrupts the debate:

> *"The Argentine government expects countries from the European Union to support the United Nations resolution that urges Argentina and the UK to dialogue over the Malvinas Islands,... 182 years ago, the United Kingdom expelled Argentine population and authorities from the islands, breaking the territorial integrity of my country,..."* [2465]

Britain's Prime Minister, David Cameron, exercises a right of reply; *"As regards the Argentine Minister's statements,... The Falklands have the right to self determination. I reject the threatening words of the Argentine Foreign Minister,.."* [2466]

2461 *Indo-Asian News Service* reported in *MercoPress* May 4, 2015

2462 Full speech available here - https://en.mercopress.com/2015/05/20/falklands-we-are-an-overseas-territory-very-content-with-the-status-and-endorsed-in-the-2013-referendum

2463 Long considered a quisling, he had resided in Argentina but without, apparently, being registered as a citizen until 2014. He had, however, been granted a veterans pension.

2464 "Day of Affirmation of Argentina's Rights over the Malvinas, South Georgias and South Sandwich Islands, and the Surrounding Maritime Areas"

2465 Timerman quoted in *Buenos Aires Herald* June 12, 2015

2466 *Ibid.*

After the meeting, Minister Timerman speaks to Argentina's official news agency; *"... it would have been more positive if, instead of getting angry, acting and making exclamations as if he were in the British Parliament, being in a bi-regional meeting, among more than 60 countries, he would have said "we sit down and we dialogue and we see if we can solve it", as Argentina wants, in a peaceful way... it would have been a good opportunity to start a dialogue, but Cameron preferred to be angry, upset and vehement."* [2467]

June 14th, the South Atlantic Medal is awarded to the Falkland Islands.

> "*In recognition of the Islanders who assisted the Forces of the United Kingdom during the liberation of the Falkland Islands in 1982."*

"At a packed Town Hall on Sunday following the services at Christ Church Cathedral and the 1982 Liberation Monument an historic moment was recorded as the people of the Falkland Islands were officially presented with the South Atlantic medal. While Governor Colin Roberts was on hand to present the medal on behalf of Her Majesty the Queen it was Secretary of Defence Michael Fallon who addressed the people with a recorded message ... Governor Roberts said the award carried the recognition and admiration for all that the people of the Islands had endured and achieved and he hoped it was, "a further source of pride for the future for this extraordinary community". MLA Ian Hansen said the medal was to be housed in the Museum for all to see." [2468]

June 15th, following a visit by MLA's Summers and Rendell to Washington, the Falkland Islands Government (FIG) issue a press release; *"We have received assurances that US neutrality on the issue of sovereignty does not imply any support for the Argentine denial of the right to self-determination, or of its continued bad behaviour towards the people of the Falkland Islands."* [2469]

June 16th, in Washington, at an Organisation of American States (OAS) conference, following a statement made in support of Argentina's demands for negotiations, Canada's representative, Jennifer Loten, announces that; *"The Canadian delegation does not wish to associate (itself) with the text."*

June 25th, in New York, at the UN, the Special Committee on Decolonization considers the Falklands Non-Self Governing Territory. Representing the Falklands people are MLAs Phyllis Rendell and Michael Summers. Petitioners for Argentina are Guillermo Clifton and Ricardo Patterson. [2470]

MLA Phyllis Rendell addresses the committee; *"... that while the Falkland Islands had travelled along the road of political development, they had not attained independence like their South American neighbours: the daily threat from Argentina, which made no secret of wanting to control the Territory against its wishes, had prompted it to choose, by referendum, the internationally recognized status of a British Overseas Territory. Islanders would never forget the 1982 invasion by Argentina and the traumatic consequences thereof, yet Argentina spoke flippantly of resuming talks on sovereignty. The administering Power respected the right of the Falkland Islanders to self-determination and would not discuss their sovereignty with anyone against their wishes."*

MLA Michael Summers tells the committee that they had; *"... failed to deliver on its responsibility to help the remaining Non-Self Governing Territories to reach a post-colonial status that was acceptable to them, because it prioritized the interests of certain Member States over the wishes of the people it was supposed to assist. The geopolitical realities behind such partisan positions were not relevant to the Committee, which had no*

2467 *Telam* June 6, 2015
2468 *Penguin News* June 19, 2015
2469 *MercoPress* June 15, 2015
2470 *UN Doc A/AC.109/2015/SR.6*

mandate to discuss or judge the competing claims of Member States over his country and, therefore, lacked any moral authority." [2471]

Argentine petitioner, Ricardo Patterson asserts that; *"The sole justification provided by the British Government for its failure to comply with the relevant resolutions was the supposed self-determination of the inhabitants of the islands in question, a claim rejected by the General Assembly. The islands' inhabitants were not a colonized people, but a community of British citizens that did not constitute a party to the dispute separate from the United Kingdom."* Guillermo Clifton, adds; *"Since its forcible seizure of the islands under discussion, the United Kingdom had maintained a strict policy intended to keep the territory under illegal British authority by excluding Argentine citizens."* [2472]

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces the annual draft-resolution calling for negotiations on the issue of sovereignty to resume.[2473]

> *"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland; ..."*

Argentina's Foreign Minister, speaking as an observer, tells the committee that the principle of self-determination does not apply; *"It is hard to imagine a clearer picture of an attempt to misrepresent a political and legal principle of such significance."* [2474]

The draft-resolution is adopted by the Committee without a vote. [2475]

"The president of the UN Decolonization Special Committee (C24), Xavier Lasso Mendoza ... brushed aside the strong statements from Falklands' petitioner Mike Summers on Thursday questioning the UN Decolonization committee "stance, morals and complicity", during the hearing when the Islands case was addressed. ... "We've met with the so called administrative powers over the Malvinas issue and when we came across the UK ambassador he told us 'that's an obsolete committee'. But why are we obsolete, because we ask, when are you going to sit and discuss with Argentina"?, said Lasso Mendoza." [2476]

In Tierra del Fuego, on the same day, Judge Lilian Herraez, orders the seizure of $156 million in bank assets, rigs, boats and other property of six European and U.S. oil companies operating in the Falklands; despite those companies having no assets or property within Argentina's jurisdiction. [2477]

"Tierra del Fuego judge Lilian Herraez ordered the authorities to seize boats and other assets worth $156m. Argentina claims sovereignty of the islands, which it calls the Malvinas. The oil companies named in the case are not based in Argentina and it is not clear how the measure will be implemented." [2478]

2471 *Ibid.*
2472 *UN Doc A/Ac.109/2015/SR.6.* See - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/194/10/PDF/N1519410.pdf?OpenElement
2473 *UN Doc A/Ac.109/2015/L.7.* See - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/180/60/pdf/N1618060.pdf?OpenElement
2474 *UN Doc A/AC.109/2016/6 : Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2016*
2475 *UN Doc A/Ac.109/2015/L.7*
2476 *MercoPress* June 27, 2015
2477 No assets were seized.
2478 *Argentina judge orders asset seizure of Falklands oil firms - BBC News* June 27, 2015.

"Argentina will pursue in Britain and the United States a local judge's order to seize assets of oil drillers operating in the disputed Falklands Islands, the Argentine foreign minister Hector Timerman said in an interview published in a government financed newspaper on Sunday. ... Foreign minister Timerman told 'Tiempo Argentino' on Sunday that on Monday he will formally request that the stock exchange regulators in London and New York implement the judge's order. The companies named in the order are Premier Oil Plc; Falkland Oil and Gas Ltd, Rockhopper Exploration Plc, Noble Energy Inc and Edison International Spa." [2479]

"... on June 25, the Federal Judge of Rio Grande, Lilian Herraez, ordered embargoes for more than 156 million dollars on the goods and assets of British and American companies denounced for the illegal exploration and exploitation of hydrocarbons in the Islands." [2480]

In Buenos Aires, at the Internet Corporation for Assigned Names and Numbers (CANN) conference, Argentina complains about an earlier decision to allow the Falkland Islands to have the '.fk' domain.

"The British government has stood up to Argentina in a battle over the Falkland Islands' right to exist in cyberspace at the ICANN conference in Buenos Aires. Argentina is furious that the disputed territory is allowed to give websites a ".fk" address - identifying them as hailing from the disputed territory and brought up the issue during the current conference. The organisation ICANN originally gave the Falklands their own web address in 1997 and then confirmed the Islands' online presence in 2005. But at an ICANN conference on Thursday Argentina joined forces with other South American nations to hit out at the decision to give an address to a "territory that was still being disputed".... perhaps mindful that any action by ICANN could see the Falklands' stripped of their digital identity, a British diplomat hit back. Mark Carvell, head of global internet governance policy at the Department for Culture, Media and Sport, reportedly said: "I regret that I'm required to take up time from this important public forum to respond regarding the allocation of country code for the Falkland Islands and South Georgia. The United Kingdom has no doubt about its sovereignty over the Falkland Islands and their surrounding maritime areas nor as to the Islands' right to decide their own future, the right to self-determination as enshrined in the UN charter and the international covenant of civil and political rights. The Falkland Islanders have stated they wish to remain an overseas territory of the United Kingdom. In the referendum on the islands held in 2013, 99.8 percent of those who voted wanted to maintain their current status as a territory of the United Kingdom ... Thank you for this opportunity to respond to the previous interventions on this matter". Finishing his statement, Carvell left the room to the audience's surprise." [2481]

June 27th, chair of the Special Committee on Decolonization, Ecuadorian representative Xavier Lasso Mendoza speaks to the Buenos Aires newspaper *Pagina 12*.

> *"The UN has already worked on the (Falklands) issue, it's not an issue of self determination, there's no people in the islands ... What people is going to express itself? What we have is a territorial integrity and sovereign dispute issue between two countries. So if we accept the visitors' mission it will have to be to Buenos Aires and London to emphasize our exhort: Gentlemen, when are you going to sit and negotiate."* [2482]

2479 *MercoPress* June 29, 2015

2480 *Presentacion: Departmento de Atlantico Sur* Carlos Delgado 2018.

2481 *MercoPress* June 27, 2015. Despite apparent promises to review the situation, in 2025, the ,fk domain identity remains.

2482 If there were no people, then the Falkland Islands could not be listed as a NSGT at the UN. See 1952.

"The president of the UN Decolonization Special Committee (C24), Xavier Lasso Mendoza argued that the Falklands/Malvinas issue is a territorial integrity and sovereignty dispute between two countries, and since there is no subjugated people in the Islands, if a visiting mission is to be sent, it would have to be to Buenos Aires and London, with the simple message, "when are you going to sit and begin negotiations"?..." [2483]

June 30th, from London, Foreign Office Minister Hugo Swire issues a statement regarding the proposed seizure of oil company assets.

> *"In the last few days we have seen the latest example of the Argentine authorities' flagrant and unacceptable campaign to strangle the Falkland Islands hydrocarbons industry. We have been absolutely clear that Argentine domestic law does not apply in the Falkland Islands nor in the waters that surround them. This politically motivated decision to target company assets is a wholly unacceptable attempt to exercise extra-territorial jurisdiction, and has no legal justification whatsoever. The Falkland Islanders have every right to decide their own future, including through the development of their economy. As ever, we stand behind them and are confident that the international community will continue to resist these Argentine threats."* [2484]

At the end of the Falklands financial year; *"According to the administering Power, the 2015/16 operating budget amounted to approximately £68 million."* [2485]

July 2nd, at the UN, the 2015 annual report of the Special Committee on Decolonization is published. As in previous years, the Committee does not recommend its own Falklands resolution for adoption by the GA. [2486]

In Argentina, in an article in the *Clarin* newspaper, journalist Ana Gerschenson asserts that ex-Islander Alexander Jacob Betts is in receipt of a veterans war pension of some 13,000 pesos.

"According to the piece Betts was granted the pension for having worked for the Argentine Air Force LADE airline which operated from the Falklands based on the 1971 communications' agreement with Argentina. "He worked as a clerk at the airport, translator and other odd jobs from 1979 to 1982" an Argentine air force source told Clarin. But at the time he was not an Argentine citizen and this has caused further controversy if not disappointment since Malvinas veterans pensions are paid out to 23,000 allegedly former combatants, when in reality only 14.000 made it to the Falklands theatre." [2487]

July 9th, in London, the Argentine Embassy celebrates Argentina's Independence Day. Ambassador Alicia Castro calls upon the UK to resume negotiations over Falklands sovereignty. After the speeches, the Ambassador singles out *Guardian* newspapers editor Richard Gott for praise due to his support of Argentina's claims.

July 21st, in the UK, the *Express* newspaper reports:

> *"A senior Falkland Islands diplomat has hit back at claims by an Argentine minister that the wealth of the remote archipelago derives from "stolen" fish. The bizarre claim came from Argentina's Secretary for the Malvinas Islands - as the British overseas territory is sometimes referred to. Daniel Filmus said a rise in GDP on the islands of 11 per cent in the last year was down to the theft of sea life by trawlers*

2483 *Ibid.* Hardly surprising that the UK sees the committee as obsolete, with committee Chairs such as Mendoza. A UN Committee long overdue for reform or closure. It achieves nothing.

2484 Quoted in *MercoPress* June 29, 2015

2485 *A/AC.109/2016/6 : Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2016*

2486 *UN Document A/70/23: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2015.* Report here - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/208/15/pdf/N1520815.pdf?OpenElement

2487 *MercoPress* July 4, 2015. The full extent of Bett's assistance to Argentina during the 1982 Falklands War has never been revealed.

operating nearby. He said: "The illegal government of the Malvinas has sold licenses - approximately 206 licenses - to operate around the Malvinas and allows them steal the catch of illex argentinus [a type of squid] and other valuable fish stocks". The accusation elicited a brusk response from Phyl Rendell, a member of the Legislative Assembly of the Falkland Islands, who branded the minister's portrayal of the fisheries industry "skewed". Speaking to Express.co.uk, she said: "It represents yet another example of efforts to damage the Falklands economy."

July 23rd, in Montevideo, at a Latin American Integration Association seminar, Argentina's Malvinas Secretary, Daniel Filmus, demands to know; *"Why are some countries punished if they don't accept UN resolutions, while others that are founding members and also have permanent seats in the Security Council can look aside and not comply with what the UN Decolonization Committee reiterates year after year? How can it be that the UK refuses to comply with the United Nations."* [2488]

August 7th, South American news agency, *MercoPress,* reports:

"As of this week it is official in the Argentine province of Salta: after playing the Argentine national anthem, the "Malvinas March" is compulsory in all school, civilian and military events in that provincial territory. The bill approved by the provincial Senate was signed and put into effect last 30 June by governor Juan Manuel Uturbey. The original presentation was controversial according to local media because some Salta residents felt it was forcing a point of view on history which was against the free interpretation of historical events.

This is 'mandatory patriotism' said several Salta residents who did not agree and complained that the provincial government was wanting to impose certain feelings on individuals, and recalled how back in 1952/53 following the death of Evita Peron it was mandatory to dress in mourning. Likewise the initiative was criticized and even ridiculed by Falkland Islanders and British citizens, basically arguing it sounded much "like an indoctrination of the masses". However with time the issue was no longer in the headlines and the enforcement of the bill only occupied a few lines in an inside page in Salta's main daily El Tribuno, when it was recently published.

The Malvinas March was composed back in 1940 by Jose Tieri and Carlos Obligado, and was the winning song of a competition organized by the Malvinas Recovery Junta, under Argentine president Roberto Marcelino Ortiz. Since then it became the official anthem. The lyrics refer to the Malvinas landscape and scenery but above all it calls on the Argentine people not to forget the recovery of the Islands which are described as the "lost austral pearl", and "there is no more loved piece of soil in our homeland"."

August 14th, in the UK, following a first round vote for a Labour Party leader, it is clear that Jeremy Corbyn has won.[2489]

2488 Quoted in *MercoPress* July 24, 2015. United Nations General Assembly resolutions are, in fact, only advisory. As for the Decolonization Committee, as a subsidiary body of the General Assembly, it has no decision-making powers. Its resolutions are of no legal significance unless adopted by the General Assembly.

2489 Socialist and friend of Argentine Ambassador Alicia Castro, Jeremy Corbyn had long supported Argentina's aspirations in the South Atlantic; having declared the Falklands War in 1982 a "*Tory plot*". He was a regular guest at the Argentine Embassy and his appointment caused some unease in the Falkland Islands. As it turned out, he went rather quiet on the subject as it was unlikely to help him win a General Election. He lost the leadership in 2020.

"Argentine President Cristina Fernández congratulated Jeremy Corbyn for the victory in the elections of Britain's Labor Party calling him "the great friend of Latin America" and for supporting dialogue with London to discuss the sovereignty of the disputed Falklands/Malvinas Islands. "This is also the triumph of all of us that represent the will of putting politics at the service of people and the economy at the service of the well-being of all citizens. Also of those who advocate of Peace and the peaceful resolution of conflicts", Cristina Fernandez said in a official statement released today. "Jeremy Corbyn is the great friend of Latin America and joins with solidarity our vindication of equality and political sovereignty", the head of state said praising Corbyn's stance at the British Parliament supporting Argentina's call for dialogue with London to discuss the sovereignty of the Falklands/Malvinas Islands." [2490]

"Given his long-standing reputation for fraternizing with the 'enemy' I'm not too surprised that Jeremy Corbyn did not have the courage: "to answer when pressed by SKY News interviewer Adam Boulton whether he would have taken Britain into the Falklands War" (Daily Mail 4th Sept.) He has been a long-standing and outspoken opponent of the British Government's recovery of the Islands from illegal Argentine invasion and occupation in 1982, despite the then Labour Leader Michael Foot supporting the mission. He had the audacity to describe the dispatch of the Task Force as: "A Tory plot to keep their money-making friends in business". Corbyn has frequently, and against the wishes of the inhabitants, called upon the British Government to negotiate with Argentina over the sovereignty of the Islands." [2491]

August 19th, at the Vatican in Rome, Pope Francis, during an audience, is photographed holding a sign claiming that it is *"time for dialogue between Argentina and the UK over the Falkland Islands"*. Argentina's President Cristina Fernandez de Kirchner immediately tweets the photograph to her four million followers.

"The pontiff is from Argentina. He received the sign from Gustavo Hoyo, leader of a campaign for dialogue on the islands, during a papal audience. ... Mr Hoyo told Argentina's Clarin newspaper that "when he (the Pope) passed by, I explained what this was about and he kindly took the placard and got the picture taken. "He could have chosen not to do it, but he did."." [2492]

"The pontiff, who is from Argentina, was reportedly tricked into taking the sign from Gustavo Hoyo, leader of the campaign for dialogue on the islands, during a papal audience. ... The Vatican said the pope was unaware of the contents of the sign. Father Ciro Benedettini, a spokesman for the Vatican said: "The Holy Father did not even realise he had this object in his hands. He has discovered this just now after seeing the photograph. The picture was taken during the general audience when many people give items to the Holy Father". ... While the pope has not discussed the Falklands dispute since his appointment in March 2013, he was known to speak in emotional and sometimes nationalistic terms about the islands when he was archbishop of Buenos Aires." [2493]

2490 *MercoPress* September 14, 2015
2491 Letter from Patrick Watts (Head of Falklands Radio 1977-1999 published in *The Daily Mail* September 15, 2015
2492 *BBC News* August 20, 2015
2493 *The Guardian* August 20, 2015. Despite the Vatican's denials, the evidence would seem to suggest that Pope Francis knew exactly what he was holding.

"Behind the apparent gesture of reconciliation between two countries that waged war over the Islands back in 1982, following an invasion by the Argentina military junta, lies a determined diplomatic campaign by the government of Cristina Fernandez Kirchner to have the UK discuss the issue of sovereignty over the islands, with a view to handing them over to Buenos Aires - something which successive British governments have refused to do." [2494]

September 3rd, Argentina's National University of San Juan Bosco, in the Chubut province, announces an academic scholarship scheme available for Falklands scholars. Ten scholarships with all flights paid and lodgings in a university residence. However; *"Director of Education Tom Hill has confirmed that no approach has been made to the Falkland Islands Education Department regarding a free scholarship scheme with a Patagonian university."* [2495]

September 4th, Argentina's Ambassador to the USA, Cecilia Nahón, writes in the *Huffington Post*.

"Over the last few months the United States has reached two historic agreements that have dominated media headlines and the local political debate: the re-establishment of diplomatic relations between the United States and Cuba after more than 50 years and, more recently, the Joint Comprehensive Plan of Action agreed by the US, China, Russia, France, United Kingdom and Germany, along with the European Union, with the Islamic Republic of Iran about the latter's nuclear program. ... Both agreements present substantial differences and stem from unique circumstances. Yet, there is one common element among them that should be highlighted: a willingness to engage in dialogue and diplomatic negotiations to solve decades-old disputes. In both cases, words, not arms, broke the deadlock. Dialogue is exactly what Argentina is asking for to solve the "Question of the Malvinas Islands", a 182-year old sovereignty dispute with the United Kingdom over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas. Located just 187 nautical miles off the Patagonian coast, Malvinas are deeply ingrained in Argentina's society. All Argentines without distinction feel with similar intensity a sense of dispossession regarding this part of our national territory. ... The milestone agreements recently reached by the US, leaving aside decades of mistrust, should be a source of inspiration for the United Kingdom to come to the table and join this spirit of dialogue ..." [2496]

"Amb. Nahón claimed that the UK refuses to enter negotiations about issues other than sovereignty. But it is untrue. The UK has simply said that Islanders need to be involved in any discussions, and we have extended numerous invitations to talk to the Government of Argentina. These go unacknowledged. ... Amb. Nahón claims to seek dialogue with the United Kingdom to "negotiate" over the Falkland Islands, yet the Argentine Constitution (revised in 1994) plainly states "the recovery of said territories (Falkland Islands, South Georgia & South Sandwich Islands) and the full exercise of sovereignty (...) constitutes a permanent and unrelinquishable goal of the Argentine people". Constitutionally, then, Argentina cannot, and will not, settle for anything less than full control of the Falklands, and therefore any conversation about the Islands isn't a "negotiation" at all - when Argentina says "dialogue" it really means "deliver the Falklands to us". ... Argentina's disingenuous call for dialogue is in reality a call to colonise our country, seize our natural resources and deny our right to self-determination." [2497]

2494 *Pope Francis and the Malvinas* Jimmy Burns in *MercoPress* August 24, 2015

2495 *Penguin News* September 4, 2015

2496 *HuffPost* September 4, 2015. There are only 184·73 nautical miles between the Islas de la Estados and the Falklands archipelago. That is 212·58 land miles, or 342 kilometers. By any standard the word "*just*" does not apply. International law considers adjacency to be less than 100 miles (160 km).

2497 MLA Jan Cheek in *MercoPress* September 9, 2015

September 9th, in Montevideo, Falkland Islands' businesses participate at the Expo Prado agricultural fair for the first time.

"People were genuinely interested in the Falklands, wanted to know about us, our way of life etc. and a huge amount of them already knew a fair bit about our country, especially the older generations who remembered with great fondness the days when the RMS Darwin, our only link with the outside world used to bring passengers up to "Monte" plus freight etc and return with other passengers and goods for us. Of course it was not only freight, it also brought people needing medical care and school children who attended the British school here in Uruguay and we have had many people visit the stand who were at school with Falkland Islanders. We came here to Uruguay with the hope of re-establishing those links, to reinforce the commerce between our two countries and I think we have made a small but significant step towards doing that." [2498]

"Even from the first day we were popular, on the opening day of the Prado, before I arrived, the British Embassy put our material out on our stand and during the morning a lady was observed to enter, sweep everything off the table into a bag and leg it. We either had a fanatical collector of everything "Falklands" or a visit from the "opposition"." [2499]

In London, Uruguayan lawmaker Jaime Trobo, meets with Foreign Office Minister Hugo Swire.

"Uruguayan lawmaker Jaime Trobo said that a blockade in the Americas was 'unacceptable' and called for closer links between the Falkland/Malvinas Islands and the continent, urging the private sector to take advantage of the business opportunities in trade and services. Trobo, a member of Uruguay's Lower House International Affairs Committee was in London this week and met for over an hour with Foreign Office minister for Latin American affairs Hugo Swire, with whom they addressed bilateral relations, Mercosur, Uruguay's coming position in the UN Security Council, UN peace operations and the Falklands/Malvinas. "Let the private sector make business and develop social links with the Malvinas, let them advance in education, culture, healthcare contacts and investments, notwithstanding Uruguay's clear position in support of the Argentine claim over the Malvinas", said lawmaker Trobo." [2500]

September 24th, from Stanley, the Falkland Islands Government launches a new social media campaign to promote the voices of the Islanders.

"... a series of short films and pictures will appear on the Government digital media channels on Twitter, YouTube and Facebook. The campaign aims to dispel some of the mis-truths circulated by the Government of Argentina and highlight that the people ofthe Falkland Islands are the key stakeholders in their future. A number of Islanders feature in the campaign's short videos and photographs which carry the hashtag #MyVoiceMatters. Some of the #MyVoiceMatters content is in Spanish, with the hashtags #MiVozCuenta and #MiVozlmporta and are aimed at the Spanish-speaking audience throughout the Americas." [2501]

September 28th, in New York, speaking at the UN on the opening of the 70th session, Argentina's President, Cristina Fernandez de Kirchner fails to mention her country's claim to the Falkland Islands for the first time since she obtained the Presidency. [2502]

2498 MLA Gavin Short quoted in *MercoPress* September 19, 2015.
2499 MLA Gavin Short quoted in *Penguin News* September 25, 2015
2500 *MercoPress* September 25, 2015
2501 *Penguin News* September 25, 2015
2502 Surprising, to say the least. After years of a relentless barrage of all things "Malvinas", domestic and international, suddenly there was silence. I can find nothing that explains it.

"... not a line, not a word about the Argentine claim over the Falkland Islands, or call for dialogue, as is traditional in the annual UN round of speeches. Most probably the Holy See has convinced president Cristina Fernandez that on the track she was trying to push the case there would be no results. Most probably a more tolerant and respectful attitude towards the population of the Falkland Islands can be expected from now onwards." [2503]

"While Argentine President Cristina Kirchner was unusually quiet on the subject of the Falkland Islands at the United Nations summit in New York this week, UK Prime Minister David Cameron on a visit to Jamaica urged Caribbean countries to stand up for the rights of self determination of small islands. Addressing the Kingston parliament al the end of a short visit, Mr Cameron hailed the, "shared values" of the UK and Caribbean nations and the importance of, "standing up for the rights of small islands, including the Falklands, to enjoy the self-determination that has been so hard won in the Caribbean". Mr Cameron made the comments after meeting world leaders at the annual UN summit in New York. At the talks, Venezuelan President Nicholas Maduro repeated a call for dialogue between the UK and Argentina over the Falklands. Assembly Member Mike Summers told Penguin News it was to be hoped that Mrs Kirchner's decision to leave out any mention of the Falkland Islands from her UN speech would, "leave the way open for her successor to have a more open and constructive approach to relations with the UK and the Falkland Islands". It was the first time in her eight appearances at the meeting of world leaders she omitted the subject entirely and it was also her final address as president as Argentina prepares for an election later this month." [2504]

In Comodoro Rivadavia, the room where Argentine air attacks on British ships were co-ordinated in 1982, is named '*Malvinas Hall*' in a ceremony attended by politicians and members of Argentina's Air Force.

"The event took place at the current LADE, Lineas Aereas del Estado (State airline) offices, which 33 years ago lodged the Southern Theatre Operations Command, from where the air strikes on the Falklands and the British Task Force were ordered. "Malvinas means every day, not only on second April (day of the Falklands invasion), and this space, Malvinas Hall, will allow us to have ever present the Malvinas Argentinas cause", said Ruben Palomeque, Comodoro Rivadavia city hall head of public services." [2505]

October 4th, in Scotland, *The Herald* reports:

"Philip Hammond has issued a firm hands-off warning to Argentina by insisting the government will "never sell out" the Falkland Islands. The Foreign Secretary insisted the "bullying and harassment" against the islanders must stop, adding it is counter-productive and "shameful". ... Speaking in Manchester at the Tory conference, Mr Hammond said the right to self-determination is being challenged not only in eastern Europe and the Middle East, but also near Gibraltar and in the South Atlantic. ... He added: "While I'm speaking Spanish, let me clarify something for president Kirchner of Argentina - whatever the Labour leader says, this Conservative government will never sell out the Falkland Islanders."

Mr Hammond recalled how the Falkland Islanders voted unanimously - 99.8% on a turnout of more than 90% - to remain British in a recent referendum. ... "The bullying and harassment to which the islanders continue to be subjected is shameful - it's counter-productive, it's wrong and it must stop. "The Falkland Islanders have every right to develop their economy."..."

2503 *MercoPress* September 29, 2015. Irony or sarcasm?
2504 *Penguin News* October 2, 2015
2505 *MercoPress* October 6, 2015

October 6th, Argentina's Energy Office declares the hydrocarbons exploration being undertaken by *Noble Falklands Ltd* around the archipelago as "*illegal and clandestine*". Published in Argentina's official *Gazette*, the Energy Secretary calls for legal action against the Houston based company. [2506]

In Stanley, fifteen scientists from around the world meet to discuss the future requirements of South Georgia.

"The South Atlantic Environmental Research Institute (SAERI) have hosted the visit while it was privately funded by the Mamont Foundation which was established in 2007 to fund the exploration of the Polar Regions in order to better understand the earth. MLA Michael Poole said it was a great project with SAER1 doing exactly what it was set up to do. While the research was focused on South Georgia there were clearly environmental and economic benefits for the Falklands too, said MLA Poole. "SAERI is looking to reach and work with all the South Atlantic islands, but the reality is with the historic connections and environmental links with South Georgia, it is naturally going to be the first among friends in this region"." [2507]

October 8th – 15th, at the UN, the Fourth Committee considers decolonization and the work of the Special Committee on Decolonization. On the first day, Desra Percaya (Indonesia), Acting Chair of the Special Committee, makes an announcement. [2508]

> *"The Special Committee had adopted a new measure in 2015 that affected its modus operandi: while maintaining its omnibus resolution ... it would desegregate that resolution beginning with the 2016 session and adopt a dedicated resolution for each Territory. In order to resolve the remaining decolonization issues, it was indispensable to ensure the engagement of the Territories' peoples, as well as the involvement of the administering Powers, he continued, emphasizing that the United Nations had an ongoing responsibility to the remaining Territories, which were home to 1.6 million people..."* [2509]

Argentine Minister Daniel Filmus addresses the Fourth Committee.

> *"Mr. Filmus (Argentina) reaffirmed the importance and centrality of the Special Committee in the decolonization process, as well as his Government's full support for United Nations leadership in that process in accordance with the provisions of the Charter and of General Assembly resolution 1514 (XV). That resolution had made it clear that there was more than one form of colonialism and had established self-determination and respect for territorial integrity as the two principles of decolonization applicable in different situations. The remaining 17 Non-Self-Governing Territories must be decolonized, taking into account the specificity of each case.*
>
> *The year 2015 marked the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), the first resolution referring specifically to the question of the Malvinas Islands, which publicly and officially recognized the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Over the intervening years, the mandate of that resolution had been renewed not only by the United Nations, but also by numerous*

2506 Italy's 'Edison International' were also declared 'illegal' and 'clandestine' on October 13, 2015.

2507 *Penguin News* October 9 2015

2508 Unable to redefine, amend or restrict the general application of operative paragraphs 1 and 2 of the omnibus resolution, Argentina's supporters on the Special Committee on Decolonization concluded that they must change the system rather than the resolution. Further evidence that the Special Committee on Decolonization is simply not fit for purpose.

2509 *UN Press Release GA/SPD/580.* See also UN Doc. *A/C.4/70.SR.2*. The result of this change would be that the omnibus resolution would no longer exist after 2015, neatly resolving Argentina's discomfort with its second operative paragraph. Instead there would be a separate resolution for each of the small territories that had previously been lumped together. See above. *cf.* 2004, 2008 & 2016

other international and regional organizations and forums, which had called for bilateral dialogue between Argentina and the United Kingdom. As a champion of the right to self-determination in all cases in which that right was applicable, Argentina could not accept the distortion of that principle in support of the anachronistic sovereignty dispute dating from the British usurpation of that part of Argentine territory in 1833 and continuing to the present day.

According to British census figures, the population of the Islands was not a "people" subjected to colonialism, but rather a group of inhabitants of British origin, fewer than half of whom had been born on the Islands, who were protected by a migration policy specifically designed to create a tailor-made population. The "special and particular" colonial situation in question was thus a sovereignty dispute, and it was for that reason that the General Assembly had expressly rejected British attempts to entitle its subjects in the Islands to the exercise of the right to self-determination.

Argentina had no wish to forcibly integrate the civilian population of the Islands or to change their nationality and way of life. It would respect their human rights and take their interests into account, but would not cede its legitimate historical rights over the territory on their behalf or in the colonial, economic or military interests of the United Kingdom. Argentina's position in that regard had been understood by the United Kingdom, which had included inhabitants of the Islands in its delegation to the initial bilateral talks in 1966 on resolving the dispute. …

It was time for frank and open dialogue to restore the mutual trust necessary for progress. Recalling that the General Assembly had urged both parties to refrain from taking unilateral measures that eroded that trust, including the exploitation of natural resources and the military exercises undertaken by the United Kingdom in the South Atlantic, he renewed Argentina's invitation to the United Kingdom to resume bilateral negotiations to find a lasting and peaceful solution to the sovereignty dispute." [2510]

China, Brazil, Mexico, Guatemala, Peru, Bolivia, Venezuela and Chile also address the Fourth Committee in support of Argentina. [2511]

Exercising a right of reply, the UK's representative also speak to the Committee.

"Mr. Sherry (United Kingdom) said his country had no doubt regarding its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the maritime areas of both territories, or regarding the principle and right of the Falkland Islanders to self-determination in accordance with the Charter of the United Nations and the two International Covenants on human rights, in order freely to determine their political status and pursue their economic, social and cultural development. The Argentine delegation had referred to international support for negotiations, including United Nations resolutions, but that did not modify the obligation of nations to respect the principle of self-determination. Therefore no dialogue on sovereignty was possible unless the Falkland Islanders so wished.

The 2013 referendum, in which 99.8 per cent of the people had voted to remain an overseas territory of the United Kingdom, had sent a clear message that the people of the Islands did not want a dialogue on sovereignty. Argentina continued to deny that such fundamental human rights applied to those people, which contravened the principles of the Charter.

2510 *UN Doc. A/C.4/70/SR.2*
2511 See - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/304/80/pdf/N1530480.pdf?OpenElement

The United Kingdom was not militarizing the area, as its forces in the South Atlantic were defensive and at appropriate levels to ensure the defence of the Falkland Islands against any potential threat. They had been significantly reduced over time, and the country would continue to keep force levels under review in the context of the regular assessments of military challenges that had been carried out since the Argentine invasion in 1982.

Hydrocarbon exploration in the area was a legitimate commercial venture regulated by the legislation of the Falkland Islands Government, in strict accordance with the United Nations Convention on the Law of the Sea. Argentine domestic law did not apply to the Falkland Islands. The international companies working in those areas were subject to stringent international regulations and regular inspections. The operations had wider economic benefits for the region, and should not be subject to unlawful outside sanctions. Argentina's targeting of assets and employees of those companies was politically motivated and an unacceptable attempt to exercise extraterritorial jurisdiction without legal justification, with dangerous implications for global business and free trade. Claims that hydrocarbon exploration in Falkland waters represented unilateral actions were false; the only unilateral actions of relevance were Argentine Government threats to imprison oil company workers engaged in legitimate commercial activity. Such unlawful and disproportionate interference with the principle and right of the Falkland Islanders to self-determination, as enshrined in the Charter of the United Nations and the two Covenants on human rights, was tantamount to an attempted economic blockade.

The United Kingdom was also clear that no Argentine population had been expelled from the Falkland Islands in 1833. An Argentine military garrison had been sent there earlier in an attempt to impose Argentine sovereignty over British sovereign territory, but the United Kingdom had expelled that military garrison, and the civilian population that had previously sought British permission to remain had been encouraged to do so. The territorial borders of the Argentine Republic in 1833 did not include the southern half of its present form or any territory in the Falkland Islands, Antarctica or South Georgia and the South Sandwich Islands. Argentina's claims to the Islands, based on the principle of disruption of its territorial integrity, were without foundation, as those areas had never been administered by or formed part of the sovereign territory of the Argentine Republic." [2512]

October 15th, on the last day of its deliberations, the Fourth Committee approves 11 draft-resolutions which it forwards to be adopted by the General Assembly. As the Special Committee has not included their Falklands resolution on the list of those recommended for adoption by the General Assembly, this resolution does not proceed.

October 23rd, in Buenos Aires, a group of Argentine veterans hand a letter in to the British Embassy demanding that London cooperates in the identification of the remains of unknown Argentine soldiers buried at the Military Cemetery at Fish Creek in the Falklands.

"A Member of Legislative Assembly has flown to Geneva to meet with a representative of International Committee of the Red Cross (ICRC) on the issue of identification of Argentine remains. If identification is to take place of Argentine soldiers buried in the Falkland Islands, it would have to be done with the full agreement and involvement of the Falkland Islands Government, MLA Summers will tell the ICRC. The Government of Argentina (GoA) earlier this year contacted the UK Government about the possibility of DNA identification taking place on the remains of unknown soldiers buried at Darwin. The Falklands Government

2512 *Ibid.*

(FIG) has been closely consulted by the UK Government on this, "though we have received no direct request from GoA", said a press release from FIG earlier this week. A spokesperson said FIG had always made clear that it remained committed to its humanitarian obligations, and extended its sympathy to the families of those who lost their lives." [2513]

November 2nd, in Geneva, the President of the International Red Cross (ICRC) meets with MLA Mike Summers and a representative of the UK government, to discuss Argentina's request for DNA testing of its unknown soldiers buried in the Falklands.[2514]

November 5th, Buenos Aires City Legislative Council announce that they will require electronic notice boards to be erected around the city giving the distance to the Falkland Islands.

November 6th, in London, a group of British veterans from the 1982 Falklands War are invited to the Argentine Embassy for the screening of a film about the war, and to meet Edgardo Esteban, whose book the film is based upon.

*"... Directed by Tristán Bauer and based on Edgardo Esteban's book, the film offers a profound reflection on the bravery of the Argentine soldiers and the sacrifices they made, whilst also denouncing the human rights violations that they suffered during the South Atlantic conflict at the hands of their officers. "The cruel military dictatorship that was ruling Argentina at the time went to war as a means of retaining power" – stated Ambassador Castro – "**in the same way that Margaret Thatcher's Conservative government prevented a peaceful solution, seeking electoral gain**". .... Following the film, a panel of academics from Cambridge University and the University of London shared their thoughts. The panel was chaired by Professor Bernard McGuirk, head of Nottingham University's International Consortium for the Study of Post-Conflict Reconstruction and Reconciliation. Members of the large audience also participated, and expressed how moved they were to witness this moment of union, fraternity and reconciliation."Former enemies, now brothers in arms" the British veterans observed, thanking the Embassy of Argentina for offering "A unique opportunity to meet other veterans, helping to heal the wounds of the past. A great number of us have suffered as a result of the conflict, many sadly taking their own lives". "**If those soldiers who faced each other on the battlefield are today able to shake hands, it is inconceivable that politicians are incapable of engaging in dialogue**", Ambassador Castro pointed out. "Argentina is ready for dialogue. The British Government should heed the calls of the entire international community and 41 United Nations resolutions and come to the negotiating table to find a peaceful, diplomatic and permanent solution to the sovereignty dispute", concluded the Argentine ambassador."* [2515]

Ex combatants Dougie Brimson, Jeremy McTeague, Ambassador Alicia Castro, Edgardo Esteban, Stuart Russell, Dave Charlie Brown and Geoff Johnston.

2513 *Penguin News* October 9 2015

2514 Argentina's Malvinas Secretary, Daniel Filmus, also met with the President of the ICRC in Geneva on November 7.

2515 *Malvinas war Argentine film screened to Falklands veterans at embassy* in *MercoPress* November 6, 2015. My emphasis. Photograph from the website of the Argentine Embassy in London.

"An egregious instance[2516] deserves airing, in the form of a communication received 48 hours after the ... press release on a film-screening and a debate in the Argentine embassy in London on 4 November 2015. I record and shall record again that my role has been and will continue to be the bringing together not of '[my] friends' but, for example, of British and other specialists not only on the perennially urgent issue for veteran ex-combatants of the conflict in 1982 and its legacies but also on the shifting preoccupations of Argentine society of the last forty years. Thus, the film maker Stuart Urban (An Ungentlemanly Act (1992)), Jeremy McTeague (former Platoon Commander, D Company, 1st Batallion, 7th Duke of Edinburgh's Own Gurkha Rifles), Tessa Morrison (University of London), reflecting on the deleteriously gendered discourses of a machismo both military and civilian, and Niall Geraghty (then of the University of Cambridge), addressing the structural underpinnings of the ethical and moral issues arising from the state's treatment of PTSD victims, joined me at the said event. None mentioned either sovereignty or self-determination. They were not 'used for political purposes'...." [2517]

November 14th, from Argentina, nine pupils from the Soldado José Honorio primary school in Rio Gallegos, fly to the Falkland Islands accompanied their director and two teachers; one of which is a representative of Argentina's Ministry of Education 'Education and Memory' program. Travelling with the group is Fernando Alturria, President of the War Veterans Center, and a film crew from the Argentine Government funded *Canal Encuentro*. [2518]

November 22nd, Mauricio Macri is elected President of Argentina, ending 12 years of Kirchner administrations.

"For Falkland Islanders, the political passing of the Kirchners might seem a justifiable cause for raucous celebrations in the pubs and government offices of Stanley. After all, their lives and livelihoods have been hit hard by aggressive Argentine policies during the Kirchner years. Trade links between the Falklands and Latin America have been curtailed, vital cruise ship tourism has been threatened and the Argentine government has sought to turn the "Malvinas" dispute into a pan-Latin American fight against the last vestiges of colonialism. And yet, over the same period, the Falkland Islands has engineered a remarkable social, political, cultural and economic revival. The islands' government, far from succumbing to Kirchnerismo measures, has been emboldened by it, with Cristina Fernández de Kirchner an ideal (if unintentional) villain." [2519]

"Mauricio Macri, ex Buenos Aires mayor from the centre-right opposition party, won the final round of the Argentine presidential election last Sunday. Mr Macri will succeed Cristina Kirchner Justicialist Party/FPV ending many years of Peronist domination of the government. In the Falkland Islands Government Legislative Assembly yesterday a number of Members commented on his election. MLA Gavin Short said: "I think we all hope that under his leadership we may see a saner approach to life in the southern cone in general and relations between our two countries in particular". He cautioned however, "unless and until whatever Argentine government admit to their people that they have been lying to them for many, many years

2516 The '*egregious instant*' was initiated by myself accusing Prof McGuirk of treating the veterans "*shabbily*" as this was clearly a very politicised event. A conclusion supported, I would argue, by the quoted statements of Ambassador Castro above. How many British veterans attended, is unclear. Prof McGuirk's interpretation of my intervention can be found in *Revisiting the Falklands-Malvinas Question: Transnational and Interdisciplinary Perspectives* G. Mira & F. Pedrosa (eds) 2021 pp. 213-214. I appear to have touched a nerve.

2517 Bernard McGuirk November, 2015. Clearly a fan of Ambassador Alicia Castro who he described as "*a listening as well as an articulate presence, more than able to explain and defend her own and her government's stance.*" In 2013, McGuirk had been the guest of the Instituto del Servicio Exterior de la Nacion (Institute of the Nation's Foreign Service) of the Argentine Foreign Ministry. A junket (?) organised by Ambassador Castro. See - https://read.uolpress.co.uk/read/revisiting-the-falklands-malvinas-question/section/f93d7287-e583-49be-8146-ac31cd3b4e86

2518 Unsurprisingly, a propaganda documentary of the school visit was released in Argentina on April 1, 2016.

2519 Dr Alasdair Pinkerton in *MercoPress* November 24, 2015

regarding their supposed claim over the Falkland Islands, even if an Argentine government was the most reasonable in the world... their intentions remain the same, and that is to lake our country away from us. So let's not get loo starry eyed".” [2520]

November 23rd, Britain's Prime Minister makes a statement to the House of Commons regarding National Security Strategy and Strategic Defence & Security Review 2015.

> *“We will continue to work closely with the Falkland Islanders ... We judge the risk of a military attack to be low, but we will retain a deterrence posture, with sufficient military forces in the region, including Royal Navy warships, Army units and RAF Typhoon aircraft. We will invest up to £300 million over the next 10 years to enhance operational communications, renew the existing air defence system and upgrade infrastructure.”*

December 3rd, in London, as a guest speaker at the Latin America Conference at the Trade Unions Congress headquarters, Argentine Ambassador Alicia Castro thanks those that support her country's claims to the Falklands.

December 10th, in Argentina, President Macri takes office.

“Argentine president Mauricio Macri outlined on Thursday his administration's foreign policy during the message to Congress when he stressed, with an overall non specific commitment, "we believe in the unity and cooperation of Latin America and the world", and in strengthening democracy as the only possibility to solving the problems of diverse societies. Contrary to what happened in the three previous inaugurations of Argentine presidents, (Nestor Kirchner and two for Cristina Fernandez), there was no specific mention to the Falklands/Malvinas claim and sovereignty dispute. But with the pledged spirit of overcoming the times of confrontation, "obviously we will stand by all our sovereign claims and our values without this impeding a normal relationship with all countries of the world".” [2521]

“After the change of government on 10 December 2015, the debate on how to achieve the recovery of the Falkland Islands (Islas Malvinas) was rekindled in the public opinion because Mauricio Macri had said in 1997 that the islands would be an additional expenditure to Argentina. On the one hand, President Mauricio Macri decided to return to a bilateral approach on the issue of sovereignty conflict. On the other, and as noted by Foreign Minister Susana Malcorra, the Argentine government decided to prioritize the relationship with the United Kingdom in what it was considered a return to the West.” [2522]

“Mauricio Macri is the first president-elect after the return to democracy in 1983 who did not mention the Malvinas issue in his inaugural speech before the National Congress. He did not place it as an obligation of the State, he did not place it as a claim, or even as one of the main tasks in relation to Argentine foreign policy. He made no reference to the First Transitory Clause of the National Constitution.” [2523]

“President Macri and his team sought to reinsert Argentina into the world by following two principles: a "non-ideological" and "intelligent" foreign policy compared to the foreign policy of the previous administration. ... In short, an "intelligent" and "ideologically-free" foreign policy would turn the country into an attractive market for foreign investment, friendly to the flow of finance and capital.” [2524]

2520 *Penguin News* November 27, 2015
2521 *MercoPress* December 11, 2015
2522 Eissa 2019
2523 Daniel Filmus in *Malvinas: Una Cause Regional Justa* 2020 (CLACSO) p.24
2524 Romero 2020

December 15th, Argentina's newly appointed Foreign Minister, Susana Malcorra, says that the Falklands issue; *"... cannot be sidestepped because it is a historic and central issue. This is a deep feeling of the Argentines. It's an issue that is there and we must try to see if there are mechanisms to advance it."*

December 16th, Argentina's Foreign Ministry notes the 50th anniversary of UN resolution *2065* which, in 1965, called upon the UK and Argentina to hold talks regarding the sovereignty of the Falkland islands. [2525]

"The United Nations was "royally deceived", said Falkland Islands Member of Legislative Assembly Mike Summers in response to Argentina celebrating the 50th anniversary of a UN resolution that recognised the existence of a sovereignty dispute over the Falklands. ... MLA Summers said Resolution 2065 was based on a series of lies, deceptions and half truths put to the UN by the then Argentine Ambassador José María Ruda. He said there were at least 12 untruths in the statement and they had been repeated time and again by succeeding Argentine politicians. ... He said Resolution 2065 had been thoroughly discredited by history: "It was consigned to the bin in 1982 when Argentina invaded and made completely irrelevant by the referendum of 2013". MLA Summers described it as "unfortunate", that the new government had decided that it wished to push forward again the resolution, "but I think I would just like to reiterate from our perspective the way is open for the new government of Argentina to find a better and more cooperative way of living together in the South West Atlantic". "That doesn't mean, never has meant and never will mean that we are prepared to discuss sovereignty of the Falkland Islands"." [2526]

December 18th, Prime Minister David Cameron, sends a Christmas Message to the Falkland Islands.

> *"It is my hope that the election of a new Argentine President will allow us to move towards a more mature relationship. It is clear that there are many areas on which cooperation could be of mutual benefit. I have spoken with President Macri, and while I am eager to improve Argentine relations, for the benefit of all, I am clear that this does not and will not change my Government's position on your right to self-determination. On this we are immoveable."*

2016 – January 3rd, Argentina issues its annual press release commemorating the events of 1833.

> *"Since its beginnings as an independent nation, the Argentine Republic has, through government acts, publicly expressed its political resolve to exercise its effective sovereignty over the southern territories and maritime areas which it inherited from Spain."* [2527]

"President Mauricio Macri's government reaffirmed on Sunday, 3 January, Argentina's sovereignty rights over the Falklands/Malvinas Islands on the 183 anniversary of the 'British occupation of the archipelago' in the South Atlantic, and called for dialogue with the United Kingdom. In a statement published in the Foreign Ministry site it said that "Argentina renews its commitment to the peaceful solution of controversies, to international law to and multilateralism". Argentina invites "the UK to resume negotiations with the purpose of resolving, in the shortest time possible, and in a fair and definitive way, the sovereignty dispute over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime spaces". The statement insists that solution to the issue will be through a path of dialogue, peace and diplomacy, "to which the international community is urging us to". On taking office last 10 December president Mauricio Macri in his

2525 Argentina's only notable success in the General Assembly regarding its Falklands claims. 2065 was dropped from UN resolutions in 1985. *cf.* 1965, 1984 & 1985

2526 *MercoPress* December 19, 2015

2527 *UN Doc A/70/665: Annex to the letter dated 4 January 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

speech to Congress made a brief reference to sovereignty disputes, but this is the first time there is a specific statement on the issue, …" [2528]

"… the Government of Argentina stated that, on 3 January 1833, the Malvinas Islands were occupied by British forces, which evicted the Argentine population and authorities lawfully established there and replaced them with subjects of the occupying Power. The Argentine Republic immediately protested that illegitimate act of force, which continues today and to which it never consented. Since its beginnings as an independent nation, the Argentine Republic has, through government acts, publicly expressed its political resolve to exercise its effective sovereignty over the southern territories and maritime areas which it inherited from Spain. … The new President of Argentina, Mauricio Macri, who took office on 10 December 2015, expressed the intention of the Government of Argentina to strengthen the relationship with the Government of the United Kingdom and to advance into a wider and more comprehensive bilateral agenda, which included the resumption of negotiations on the question of the Malvinas Islands." [2529]

January 5th, *MercoPress* reports: *"Argentina's January 3rd, statement on the Falkland Islands dispute claiming sovereignty and calling for dialogue with the United Kingdom has received a low key but strong response from the Foreign Office, according to the Mail on line. "The UK has no doubt about its sovereignty over the Falkland Islands. We would like a more productive bilateral relationship with Argentina but not at the expense of the Islanders' right to choose their own future", said a Foreign Office spokesperson quoted by the Mail. On Sunday the Argentine foreign ministry under Susana Malcorra, an experienced former UN official, called for the return of the Falklands,…"*

January 11th, Rockhopper Exploration & Falkland Oil & Gas, report a significant oil discovery near the archipelago.

January 12th, during a visit to the Falklands, Princess Anne lays a wreath at the 1982 Liberation Monument. [2530]

January 13th, in Guyana, Member of the Falklands Legislative Assembly (MLA) Ian Hansen, speaks to President David Granger regarding the Falklanders right to self-determination. [2531]

January 17th, in the UK, interviewed on the BBC's Andrew Marr Show, Labour Party leader Jeremy Corbyn calls for an "*accommodation*" with Argentina regarding the Falkland Islands. [2532]

> *"I think there has to be a discussion about how you can bring about some reasonable accommodation with Argentina. It seems to me ridiculous that in the 21st century we'd be getting into some enormous conflict with Argentina about the islands just off it. Yes, of course the islanders have an enormous say in this, let's bring about some sensible dialogue. It happened before, I'm sure it can happen again."*

"… "We are committed to upholding the right of the Falkland Islanders to self determination, including by ensuring the defense of the Islands", was the reply from a Labour Party spokesperson to the Falkland Islands Radio service, in Stanley following Jeremy Corbyn's controversial statements at the BBC 1 Andrew Marr show last Sunday. … "Labour Party policy remains that the people of the Falkland Islands have the right to determine their own future. In the 2013 referendum, the overwhelming consensus was in favour of remaining

2528 *MercoPress* January 4, 2016

2529 *UN Doc A/AC.109/2016/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2016*

2530 Princess Anne had previously visited the archipelago in 2009. On this occasion, she was passing through on her way to South Georgia.

2531 See - https://en.mercopress.com/2016/01/13/falklands-lawmaker-in-guyana-meets-president-granger-and-talks-self-determination

2532 Jeremy Corbyn was (is) a personal friend of Argentine Ambassador Alicia Castro, and had been a regular guest at the Argentine Embassy in London during the presidency of Cristina Fernandez de Kirchner.

British. We are committed to upholding the right of the Falkland Islanders to self-determination, including by ensuring the defence of the Islands".” [2533]

“Jeremy Corbyn presents a greater threat to the sovereignty of the Falkland islands than Argentina, the defence secretary Michael Fallon has said. … He told the BBC: "The biggest threat at the moment isn't Argentina. Actually it is Jeremy Corbyn and the Labour party, who seem determined to override the wishes of the islanders. That's the immediate threat because Labour are the principal opposition and will be presumably fighting the next election on that basis. He has said that the rights of the islanders can't be [held] up".” [2534]

“Michael Summers, chairman of the Falklands Islands Legislative Assembly, said that Argentina, rather than Jeremy Corbyn, presented the greatest threat to the Falklands. Asked about the greatest threat, Summers told the BBC: "It is undoubtedly Argentina and the Argentine general approach to the Falklands. Mr Corbyn has his views. We have invited him to listen to Falkland islanders so he properly understands modern developments in the Falklands and our way of life".” [2535]

January 18th, Princess Anne visits the Island of South Georgia; officially opening the renovated Post Office at Grytviken.

January 19th, from Buenos Aires, President Macri tells the *El Pais* newspaper that he wants to start a “*new era*” with Britain; *“President Macri understood that the Malvinas issue was not among the central issues of his administration and that nothing could interfere with the priorities on his agenda within the economic-commercial-financial framework.”* [2536]

January 21st, in Switzerland, British Prime Minister Davis Cameron and Argentine President Mauricio Macri meet at Davos.

“The United Kingdom government has released a statement pointing out the “three areas” British Prime Minister David Cameron and President Mauricio Macri "covered" during their Davos meeting on Thursday. These areas were economic reform, trade and investment and the sovereignty of the Falklands Islands. In this sensitive point, Cameron was reported to have made "clear" that the UK's position in the bilateral row "remained the same", ratifying the 2013 referendum held by the inhabitants of the disputed archipelago in which they expressed their "wish to remain British".” [2537]

“The President of the (Argentine) Nation himself declared, in a press conference with foreign correspondents, that the Islands were Argentine, but that he would try to start a new era in ties with Great Britain. He later added in Davos that "we are looking for a relationship with all the issues on the table"…” [2538]

Argentine Cabinet Chief Marcos Peña speaks to journalists; *“Malvinas was left as an issue to address. Clearly we have a difference, and each has (his) position”*

January 24th, Britain's *Guardian* newspaper reports; *“Jeremy Corbyn has told Argentinian diplomats he wants a Northern Ireland-style power-sharing deal for the Falkland Islands, … Argentina's outgoing ambassador to London, Alicia Castro, said the Labour leader "shares our concerns" and "he is one of ours". In an interview published on the Argentinian embassy's website, Castro said Corbyn had visited the Argentinian*

2533 Quoted in *MercoPress: South Atlantic News Agency* January 21, 2016
2534 Defence Secretary Michael Fallon quoted in *The Guardian* February 17, 2016
2535 *Ibid.* Corbyn, did not take up the offer.
2536 Romero 2020
2537 *MercoPress* January 22, 2016
2538 *Malvinas: Un Nuevo Enfoque en la Relacion con el Reino Unido* Vicente Berasategui 2017 in *Malvinas y la construcción de un reclamo soberano: pasado, presente y futuro* A. Bologna (et al.) 2017 citing *La Nacion* January 21, 2016

embassy in London and was "friendly and humorous". "He is saying that dialogue [is] possible and that attitudes are beginning to change, that what was achieved in Northern Ireland can be achieved also here", she said. "His decisive leadership can guide the British public opinion to promote dialogue between the governments of the United Kingdom and Argentina".”

January 27th, in Ecuador, at the fourth summit of the Community of Latin American and Caribbean States in Quito, a statement is issued supporting the *“... legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands ...”* and welcoming; *“... the new initiative to request the Secretary-General of the United Nations to renew his efforts to carry out the mission of good offices entrusted to him by the General Assembly through successive resolutions, with a view to achieving the resumption of negotiations ...”* [2539]

January 31st, in the UK, a report in *The Telegraph* newspaper has Labour Party Shadow Minister, Angela Eagle, asserting that the Falklands question had been settled “*a generation ago*.”

February 15th, in the Falklands, Britain's Defence Secretary Michael Fallon, visits the Mount Pleasant military base, where he speaks to the press.*“... the sovereignty issue was settled more than 30 years ago.”* [2540]

MercoPress.
South Atlantic News Agency

Argentina complains about UK military exercises in Falklands with missiles

Falklands considers air link with Brazil including a monthly stopover in Argentina

Falklands' sovereignty issue “was settled more than thirty years ago”, says Fallon

Friday, February 19th 2016 - 08:04 UTC

Full article 61 comments

He reiterated that sovereignty of the Falklands was not up for discussion with Argentina, adding, “the sovereignty issue was settled more than 30 years ago.”

Mr Fallon who is the first in his position to visit the Islands in 14 years said there was no particular reason for him to visit at this time, other than that a Defense Secretary should visit military bases and there had not been a visit to the Falklands for some considerable time.

The Defense Minister Secretary confirmed that £180 million over 10 years has been allocated for investment in Mount Pleasant. Fallon said he would be releasing details about some of those investments during his

Sovereignty of the Falklands is not up for discussion with Argentina: “the sovereignty issue was settled more than 30 years ago.”

“According to reports that appeared in the British press, Fallon's trip would have "irritated" the Foreign and Commonwealth Office (FCO), as it seemed "bellicose" and would make it "more difficult" to negotiate with Buenos Aires. Once again, as was the case with negative results on different occasions during the negotiations between 1966 and 1982, this difference between the British political leadership and diplomacy damages a process that is just beginning, to get bilateral relations on the right track.” [2541]

February 18th, in Argentina, former Foreign Minister Dante Caputo, suggests that his country should aim to convince the Islanders to negotiate sovereignty by 2033.

February 20th, *MercoPress* reports:

> *“The Argentine government expressed its 'concern' to the UK over Defense minister Michael Fallon's visit to the Falkland Islands where he spent time with the military at MPA and met with Falklands elected government authorities and members of the community, according to media reports in Buenos Aires. Reports indicate that the Foreign ministry made a formal presentation on the issue to the British embassy in Buenos Aires, because of Defense minister Fallon's presence in the 'Malvinas Islands' since*

2539 *Note verbale dated 23 February 2016 from the Permanent Mission of the Dominican Republic to the United Nations. UN Document A/70/61.* It is not clear what new initiative was being referred to. The UN Secretary-General has not had a specific request to employ his 'good offices' in the Falklands case since 1988.

2540 In December, 1994 the then Secretary of State for Foreign & Commonwealth Affairs, the Right Honorable Douglas Hurd had said that the question of sovereignty was “*in effect*” settled. The word 'settled' was also used by the Deputy Prime Minister in 2012, and would be used by the British Ambassador to Argentina, Mark Kent, in 2018.

2541 *Malvinas: Un Nuevo Enfoque en la Relacion con el Reino Unido* V. Berasategui 2017 in *Malvinas y la construcción de un reclamo soberano: pasado, presente y futuro* B. Bologna (et al.) 2017

this was interpreted as an intromission of London in 'Argentine territory'. ... Even when minister Fallon said from the Falklands that London is intent in improving relations with Argentina, and suggested Argentines should visit the Islands and see for themselves the truth about the dynamic Falklands, his conclusive remarks on sovereignty, "the issue was settled more than thirty years ago", and confirmed by the recent 2013 crystal clear referendum results, took Argentine authorities by surprise and did not please at all."

February 25th, in the Falkland Islands, during a visit by former Uruguayan President, Luis Alaberto Lacalle, he tells the local press that the; *"Falklands people's voice must be heard."*

"The press release reaffirmed Uruguay's diplomatic position of supporting Argentina's sovereignty claim over the Islands, but stated that it was in both Uruguay's and the Falkland's interest to strengthen the ancient economic and cultural ties. ... he reiterated the sovereignty issue remained that of Britain and Argentina, but he added the Falkland's "voice must be heard".

He noted, however, that Uruguay was completely 'independent' in its decisions, welcoming a better relationship with the Falklands and an increase in trade. He added that the "ultimate goal" would be to establish a direct air-link between Montevideo and Stanley; a proposal he first made during his presidency, but one which ultimately failed due to "tremendous pressure" from the Argentine Government." [2542]

In New York, on the same day, UN Secretary-General Ban Ki-moon addresses the Special Committee on Decolonization (C24), at the opening of their 2016 session at the United nations building; *"The Special Committee on Decolonization should intensify action-oriented dialogue with the aim of generating further momentum to fulfil the United Nations decolonization mandate, ... All of us must seize the opportunities at hand."* [2543]

"In the statement, read out by Tayé-Brook Zerihoun, Assistant Secretary-General for Political Affairs, Secretary-General Ban urged the Special Committee, administering Powers, Non-Self-Governing Territories and other stakeholders to do their part to advance progress. The international commitment to advance the decolonization agenda could be seen in the fact that the Special Committee had undertaken to dispatch one visiting mission to one Non-Self-Governing Territory every year, he said. ... Rafael Darío Ramírez Carreño (Venezuela), who was elected Chair of the Special Committee by acclamation, said decolonization had been one of the most important tasks in the history of the United Nations and had become one of its main symbols. However, the persistence of colonial situations around the world undoubtedly represented a blatant violation of fundamental rights, contradicting the principles and purposes of the United Nations Charter, and a "stigma in the conscience of the world". Half a century after the adoption of the decolonization Declaration, 17 cases of colonialism had not been resolved, he noted. Indeed, he continued, despite the ***noteworthy results*** *of the Special Committee, those cases demonstrated that the decolonization process had not yet concluded."* [2544]

2542 *MercoPress* February 26, 2016

2543 Quoted in UN Press release *GA/Col/3285* February 25, 2016

2544 UN Press release *GA/Col/3285* February 25, 2016. My emphasis. The last decolonization that the C24 could claim to have had a hand in was 2002. No 'visiting mission' has ever arrived in the Falkland Islands or Gibraltar. See June 27, 2015 for a statement by the then Chair of the Special Committee saying that the Falklands had no subjugated people and that therefore any visiting mission would have to go to Argentina or the UK. For a list of visiting missions since 1965, see - https://www.un.org/dppa/decolonization/en/c24/visiting-missions

February 27th, in Italy, Argentine President Mauricio Macri meets Pope Francis at the Vatican. [2545]

"Pope Francis (from Argentina) received Argentina's President Mauricio Macri and the provincial governor of Tierra del Fuego, who presented their host with soil and pebbles brought from the Malvinas (the Malvinas and other South Atlantic islands are considered part of Tierra del Fuego according to the Argentine Constitution) and so the gift carried considerable geopolitical significance." [2546]

March 1st, in Buenos Aires, responding to criticism that he had not mentioned the Falkland Islands during his inauguration speech, President Macri says; " *In the case of the United Kingdom, as we discussed with Prime Minister Cameron, dialogue does not imply renouncing our claim to the sovereignty of the Malvinas Islands. On the contrary: isolation and empty rhetoric remove any possibility of finding a solution."* [2547]

March 3rd, Argentina's Malvinas Islands Secretariat is downgraded to an 'Under-Secretariat'. [2548]

> *"We are looking for a more general approach, understand(ing) the South Atlantic as a whole, not just point(ing) to the claim of the Falklands. Now the Undersecretary will have more functions, always the range that had the treatment of this issue has been that of Undersecretariat. ... The thing is much more complex than only the Falkland Islands and it seemed to us that this was within the harmonious management of relationships."* [2549]

March 9th, in Paraguay, MLA Phyllis Rendell, repeats that the sovereignty issue has been settled; "*We're not going to discuss sovereignty, not with the government of Macri, or anybody for that matter. The sovereignty issue was settled and there is no room for discussions, it's British sovereignty. Sovereignty was settled in a war following the military invasion of the Islands by Argentina, the issue is over and gone."* [2550]

Argentina's Ambassador to Paraguay responds to the press reports; *"The visit of the lady, a British tourist represents an unnecessary provocation particularly when Argentina wants to negotiate, wants to dialogue. The British tourist came to talk about war, about violence, not us. Argentina will not talk about war or violence. President Macri has been very clear that dialogue is the way forward"* [2551]

March 11th, in New York, the UN's Commission on the Limits of the Continental Shelf (CLCS) adopts a recommendation with respect to Argentina's 2009 submission regarding an extension of its sovereignty over the continental shelf. [2552]

"..., on March 11, 2016, the Commission approved by consensus the analysis of the Argentine Presentation in two sections of our continental shelf, ***without*** *having considered or qualified the sections corresponding to Antarctica and the Malvinas, South Georgia and South Sandwich Islands."* [2553]

2545 *Buenos Aires Herald* February 27, 2016

2546 *Going Underground: Banal Nationalism and Subterranean Elements in Argentina's Falklands/Malvinas Claim* Matthew C. Benwell 2017 p.8

2547 Quoted in Romero 2020

2548 Romero 2020. Formerly headed by Daniel Filmus, under the Cristina Kirchner Presidency.

2549 Chancellor Susana Malcorra quoted in *La Nacion* March 4, 2016

2550 Quoted in South Atlantic News Agency *MercoPress* March 10, 2016

2551 *MercoPress* March 11, 2016

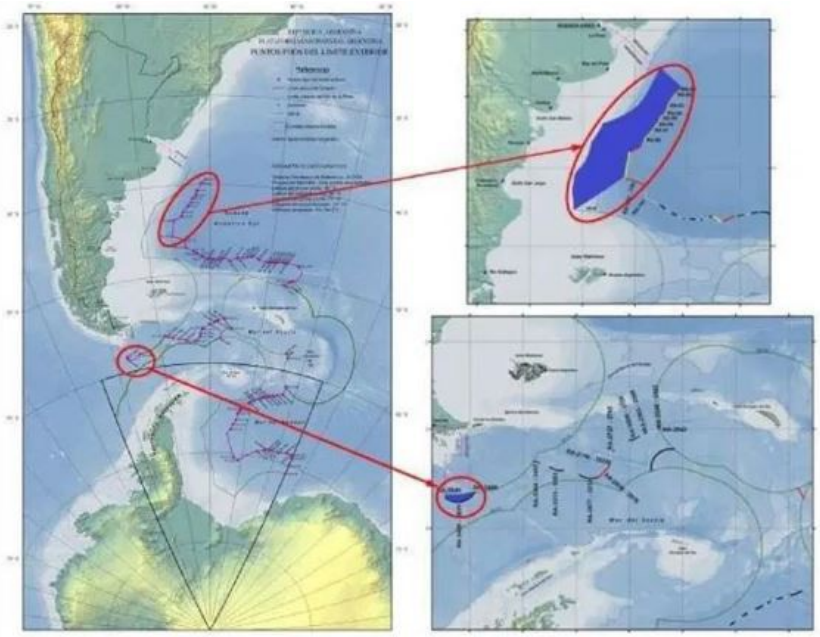
2552 In Argentina, this was misinterpreted as the UN's CLCS approving the totality of Argentina's submission. Without waiting for the final CLCS report, Argentine newspapers proclaimed a victory over British objections and that the UN had agreed that the continental shelf around the Falkland Islands, South Georgia and the South Sandwich Islands belonged to Argentina. This was not the case. See below.

2553 *La demarcacion de nuestro limite mas extenso: El limite exterior de la plataforma continental argentina* Lidia Gatti in *Cuadernos Politica Exterior Argentina (Nueva Epoca) Jan-June 2016 pp.23-29.* My emphasis

March 21st, at the UN, the Decolonization Committee's Secretariat produces its annual working paper on the Falkland Islands

> *"By its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present paper, no such notification by a Member State to the Assembly had been received."* [2554]

March 23rd, in New York , the CLCS presents its legally binding summary of recommendations in relation to Argentina's submission. Three areas not considered within Argentina's 2009 submission are the Falkland Islands, South Georgia/South Sandwich Islands and Antarctica.



"The Recommendations refer to two specific sections: ***the Atlantic zone north of the Malvinas Islands and the area south of Tierra del Fuego****. The Commission was unable to consider or qualify the parts of the Submission on the shelf around the Malvinas, South Georgia and South Sandwich Islands - having recognised the existence of a dispute with the United Kingdom over sovereignty over the islands - as well as the shelf generated by Antarctica, taking into account the status quo established in Article IV of the Antarctic Treaty ... the Commission recognised the existence of this sovereignty dispute and thus, as a technical body, and in accordance with the provisions of the Convention and its own Regulations, it did not consider or qualify the measurements in the area and postponed its study."*[2555]

March 28th, the United Nations issue a Press Release - *Commission on Limits of Continental Shelf Concludes Fortieth Session*. [2556]

> *"With regard to the recommendations in respect of the submission made by Argentina, it is recalled that, previously, the Commission had already decided that it was not in a position to consider and qualify those parts of the submission that were subject to dispute and those parts that were related to the continental shelf appurtenant to Antarctica."*

2554 *UN Doc A/AC.109/2016/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2016*. Another year with no call for a UN General Assembly debate. Not even by Argentina. See 1989/90, 2004 & 2012

2555 *La demarcacion de nuestro limite mas extenso: El limite exterior de la plataforma continental argentina* Lidia Gatti in *Cuadernos Politica Exterior Argentina (Nueva Epoca) Jan-June 2016 pp.23-29.* My emphasis. The southern area (2025) is subject to a complaint submitted to the CLCS by Chile.

2556 *SEA/2030.* See - https://press.un.org/en/2016/sea2030.doc.htm

*"In the map that was shown in the Press Conference held on March 28, the limit is indicated in deep blue and it represents the continental shelf that goes beyond the 200 nautical miles which comprises an area of approximately 1.7 million square kilometres. But later in that same Conference, when the Recommendations adopted by the Commission on the Limits of the Continental Shelf by consensus were explained, it was made clear that the latter, in accordance with its Rules of Procedure, has deferred the analysis of the area under a sovereignty dispute between Argentina and the United Kingdom. ... **It was clearly explained** that there was a part of the Argentine submission which was not analyzed by the Commission."* [2557]

March 29th, in Buenos Aires, at a press conference, Argentina's Foreign Ministry presents its interpretation of the CLCS recommendation, announcing that the UN has approved an extension to Argentine territory of 1.7 million square kilometres, including an area around the Falklands and South Georgia/South Sandwich archipelagoes.

> *"A few weeks ago a UN convention which addresses countries' sea rights and limits approved unanimously the request from Argentina to extend the outer limit of our continental shelf ... We are very satisfied and pleased with this favorable reply from the United Nations and most grateful to all those Argentines who worked to achieve it. This extension of the limits of our continental shelf will enable us to defend the resources of our sea, which belongs to all of us and to each Argentine."* [2558]

In the UK, *The Telegraph* newspaper quotes the editor the Falklands' *Penguin News*, Lisa Watson: [2559]

> *"Having a neighbour like Argentina is like living next door to your stalker – someone who terrorizes you but then tearfully berates you for rejecting their advances. ... The thing is, the Argentine people really do live in a stalker-like fantasy land when it comes to the Falkland Islands – and the Argentine government encourages them to. In fact it rules that they do so.*
>
> *The pursuit of sovereignty over the Falklands is confirmed in their constitution. It's the only thing that the country, long divided by political factionalism and social strife, can agree on. From the day they are born, the "Malvinas" myth is poured into innocent little Argentine ears. They are poked and prodded at school with concepts like "British colonialism", "stolen lands" and "piratical usurpers".*
>
> *Presumably at no point are Argentines reminded that their own country came about through Spanish colonialism; that their beautiful lush lands once belonged to a slaughtered or subjugated indigenous population; that the Falklands had no indigenous population and that the people there now have just as much right (if not more) to be in their little corner of the world as Argentines do to be in theirs.*
>
> *I honestly think Argentines believe the first language to be spoken in South America was Spanish. "You are so far from Britain" they cry to me "go back there". It almost seems rude (clearly I haven't lost all of my ancestral characteristics) to point out "You are so far from Spain ... how about you go back there mate?"*
>
> *My son Jacob is a seventh-generation Falkland Islander – my family came to the Islands in 1840. The irony is that most of the Argentines who abuse me on Twitter are only second - or third - generation South Americans.*

2557 Osvaldo N. Máralém, Chairman of *La Comision Nacional (Argentina) del Límite Exterior de la Plataforma Continental* quoted in the South Atlantic News Agency *MercoPress* June 7, 2016. My emphasis.

2558 Argentina's President Macri quoted in the *MercoPress* March 29, 2016. The maps produced during the presentation and in subsequent press reports actually dated from Argentina's initial submission to the CLCS in 2009, and were not those approved by the UN Commission.

2559 Repeated in *MercoPress* March 31, 2016

The other irony is, they bawl us out for the British military presence, but then threaten our oil company and fishing company partners and do all they can to undermine every part of our economy by castigating other South American countries who wish to trade with us.

But you know sometimes I almost pity them. I pity their passionate, self inflicted foot-stamping, frustration. I watch them with that helpless feeling you have when a toddler screams and chokes and cries for absolutely no logical reason…"

March 30th, from Stanley, the Falkland Islands Government responds to Argentine news reports; *"Argentine statements which suggest that the sovereign position in the Falkland Islands has changed as a result of this decision are wholly misleading."* [2560]

"Despite the pending increase in Argentina's territory it seems unlikely that it will alter the United Kingdom's sovereignty over the wind swept islands. Soon after the decision was announced, U.N. spokesperson Stephane Dujarric stressed that it the U.N had not ruled on the country's claim over the Malvinas, which is home to a mere 2,932 people." [2561]

"… it is not uncommon to find news that states that "the UN recognized that the platform continental Malvinas is Argentine", or that the "UN endorsed the Argentine position", or that the new map with the demarcation of the outer limit of the continental shelf is "endorsed by the United Nations". Although we wish it were so, neither of these statements is correct." [2562]

"The Foreign Ministry publicised a map on 28 March (sic) suggesting the whole Argentine submission had been endorsed. The Argentine and British press produced incorrect headlines about the UN approving Argentine claims to sovereignty over the Falklands. Nothing remotely justified these headlines. The maps released on 23 May 2016, in the Commission's Summary of the Recommendations show two sectors had been endorsed. The first runs, from the Rio de la Plata boundary with Uruguay, south to the boundary of the waters around the Falklands. The other is a tiny area south of Tierra del Fuego and Staten Island. All data about the shelf around the disputed islands and adjacent to Antarctica was completely ignored and no boundaries for these areas were endorsed. It remains a mystery how professional staff in the Argentine Foreign Ministry could fail to appreciate what was happening in the Commission. It was clear for over six and a half years, from August 2009 to March 2016 that the Commission would not and could not approve the whole submission. An even more important question for the Argentine political system is to ask how the Foreign Minister, Susana Malcorra, and her Deputy, Carlos Foradori, were so misled by the diplomats." [2563]

"In 2016, the United Kingdom continued to make clear to Argentina its position that, under international law, the continental shelf did not form part of Argentina; … On 21 April and 11 May 2009, respectively, in accordance with the United Nations Convention on the Law of the Sea, Argentina and the United Kingdom submitted information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea was measured. The Commission on the Limits of the Continental Shelf took into consideration the relevant communications and the presentations made by Argentina (see CLCS/64,

2560 Falkland Islands Government quoted in *Falklands reject Argentine claims over UN maritime ruling* in *Huttiyet Daily News* March 30, 2016

2561 *Cuba Si* March 30, 2016

2562 *Algunas precisiones sobre la plataforma continental Argentina y la cuestion Malvinas* Dr. Luciano Pezzano 2016. See - https://falklandstimeline.files.wordpress.com/2021/05/2016-algunas-precisiones-sobre-la-plataforma-continental-argentina.pdf

2563 Willetts 2016. See March 28, above.

para. 74, and CLCS/76, para. 56) and by the United Kingdom (see CLCS/66, para. 58) and, in its decisions of 2009 and 2010, and reiterated in 2012, the Commission decided that, in accordance with its rules of procedure (CLCS/40/Rev.1), it was ***not in a position to consider and qualify those parts of the submission made by Argentina that were subject to dispute*** *(see CLCS/64, para. 76, and CLCS/76, para. 57) or the submission made by the United Kingdom (see CLCS/66, para. 60). On 11 March 2016, the Commission approved its recommendations with regard to the submission by Argentina. The recommendations did not address the Falkland Islands (Malvinas), South Georgia Islands and South Sandwich Islands, in accordance with the rules of procedure of the Commission. "* [2564]

April 2nd, in Argentina, events commemorating the invasion of the Falkland islands in 1982, are held. At the Cenotaph in Buenos Aires, President Macri speaks; *"Those Islands in the south Atlantic which bring us all those memories continue to be inexorably ours: they are waiting for us with continental patience. We will return."*

April 12th, at the Falklands, journalists from Belize, Costa Rica, El Salvador, Honduras and Panama visit.

April 25th, in Brussels, the Falkland Islands are represented at the Seafood Expo Global.

May 7th, in the UK, it is announced that a new £200 million polar research ship is to be named the *Sir David Attenborough*.

May 12th, following a meeting in London between Argentina's Foreign Minister, Susana Malcorra, and the British Foreign Secretary, Philip Hammond, a spokesman for the Foreign Office confirms that the UK's position regarding the Falkland Islands remains unchanged; *"... the 2013 referendum gave a confirmation of the Islanders' wish to remain a UK Overseas Territory."* Speaking for Argentina's Ministry, another spokesman says that the two countries agreed on the need for further cooperation in the South Atlantic and connections between the Continent and the Islands.

"Britain reiterated interest in strengthening relations with Argentina in areas of mutual interest, but also underlined London's position regarding the Falkland Islands remains unchanged, while from Stanley, the Falklands' elected government expressed its willingness to explore a potential cooperation with the Argentine government. ... According to a release from the Foreign Office, the ministers discussed ways to strengthen UK-Argentina relations through increased co-operation in areas of mutual interest, including trade, anti-corruption and tackling the drugs trade. Following the meeting Foreign Secretary Hammond said he was pleased to have met foreign minister Malcorra with whom he shared a warm, wide ranging discussion." [2565]

"Regarding the Malvinas Question, they agreed that the disagreement on this issue should not hinder the development of a broader positive agenda. They manifested the need to identify possible areas of cooperation in the South Atlantic, such as exploitation of natural resources and connectivity between the continent and the islands" [2566]

May 18th, in Argentina, newspaper *La Nacion* reports on President Macri's Falklands' policy.

"The books of the Winnie the Pooh bear that Guido Di Tella commanded will not be delivered, nor will another economic fence be erected as Cristina Kirchner (had) established. The Argentine diplomatic scheme will now point to an intermediate position. The government of Mauricio Macri is evaluating a specific plan to approach the inhabitants of the Falkland Islands in parallel to the negotiations that it may enter into in the future with Great Britain on the underlying issue that being the claim of Argentine sovereignty over the islands. It is a

2564 *UN Doc A/AC.109/2017/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 28 March 2017* para.25. My emphasis.

2565 *MercoPress* May 13, 2016

2566 *Cuestión Malvinas: ¿Un cambio de rumbo?* Salvador Colubriale 2020

"humanitarian base plan" as Foreign Minister Susana Malcorra recently baptized it. This implies a wide range of proposals underway: from the reestablishment of new flights from the Malvinas to Argentina to health care in cases of essential health, the exchange of food products, cooperation in educational matters and, perhaps further ahead, the possibility of establishing shared businesses in the oil or maritime area. The road is thin and winding. With this move, Macri is in danger of returning to the scheme of friendly relations that Menem imposed and that did not lead to any port. Rather ridiculous. Perhaps that is why the Casa Rosada does not want to show all its cards yet in this high-risk play." [2567]

May 23rd, in New York, the United Nations' Commission on the Limits of the Continental Shelf publish their full report on Argentina's submission for an extension to its sovereignty over the continental shelf.

"... the Commission made public its recommendations and only a small proportion of the Argentine claim was endorsed... the Commission (refused) to endorse the Argentine claim to the shelf around the islands controlled by the United Kingdom, and to a part of Antarctica." [2568]

"The Commission on the Limits of the Continental Shelf (CLPC) of the United Nations approved by consensus the Argentine recommendations, presented in 2009, regarding the external limit of the continental shelf, after ten years of work. The Commission did not rule on the limits in the Falkland Islands (Malvinas Islands), South Georgia and the South Sandwich Islands... Some analysts consider that the event was a new success of Argentine diplomacy, maybe, the most significant diplomatic success in Argentina since Resolution 2065." [2569]

May 24th, in Argentina, the Provincial Legislature of Tierra del Fuego calls upon the government to repeal article 2 of law *23.775* (1990), as it implies that the province does not have full sovereignty over the Falklands, South Georgia and other claimed South Atlantic Islands. [2570]

> *"Art. 2: Regarding Antarctica, Malvinas, South Georgia, South Sandwich and other subantarctic islands, the new Province is subject to the treaties with foreign powers that the federal Government enters into, for whose ratification it will not be necessary to consult to the provincial government."*

"... said request is based not only in the text of the law itself, which in some way casts a shadow of doubt about the belonging of said territories to the province, but also of the Argentine people, by stating that the territories of "Antarctica, Malvinas, South Georgia, South Sandwich and other sub-Antarctic islands, are subject to treaties with foreign powers that the federal government enters into, for whose ratification it will not be necessary to consult the provincial government." ..." [2571]

June 1st, Foreign Minister Malcorra speaks to the press; *"... we have to be cautious, our differences are with the UK, and as such we must maintain links through the bilateral relations with UK. That said, I believe there is an opportunity to improve the relation with the inhabitants of the Islands and we are exploring available options..."* [2572]

June 2nd, in Nicaragua, at the Special Committee on Decolonization's Pacific Regional Seminar in Managua, Islander Krysteen Ormond addresses the Committee.

2567 *Malvinas: el plan de acercamiento que se fijó Macri* Martin Dinatale in *La Nacion* May 18, 2016.
2568 Willetts 2016
2569 Eissa 2019. This author did not identify the analysts concerned, or the basis of their reasoning. The debacle was more of an embarrassment, than a success.
2570 Law *23.775* of 1990 changed Tierra del Fuego from a National Territory into a Province of Argentina. The law was flawed in a number of respects, including that it appeared to place part of Chile under the control of the new Province of Tierra del Fuego. It was recalled by the then President in May, 1990 and the area remained undefined until 2009.
2571 Calderón 2021. The Argentine government does not appear to have acted upon the request. *cf.* 1990 & 2009
2572 *MercoPress* June 2, 2016

"The Falkland Islands are economically self-sufficient; we raise our own taxes, and we fund our own services. We don't send taxes or other funds to the United Kingdom Government, and nor do we receive large subsidies at the expense of the UK tax-payer as some might have you believe... In our 2012 Census, people of the Falkland Islands represented 36 national identities and 60 countries of birth.

We are a truly multicultural society, with communities from the Philippines, Chile, Zimbabwe, Argentina and Russia (to name but a few) all living happily alongside one another.

English is our official language, but as with any bustling capital city, a walk through the streets or the supermarket will lead to the sounds of other languages including Tagalog, Spanish, Georgian and Shona, mingling together. This multicultural society is a clear representation of the organic nature of settlement; people will come from afar to a new place, build a life and build their home. ... We are a people with our own unique background, and our own unique culture which draws on the diverse, shared heritages of the nationalities that have settled here... The people of the Falkland Islands are just that: we are a people..." [2573]

June 10th, in Buenos Aires, on Argentina's "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.", the government issues a press release commemorating the events of 1829.

"The official release goes on to explain that since the emancipation from Spain, Argentina as heir of the Spanish territories in the south of the continent, including the Malvinas and other South Atlantic Islands, fully exercised its rights, on a permanent basis, dictating rules and establishing juridical and administrative structures that consolidated sovereignty, promoting the development of commercial activities, settling of people and an administrative office in Malvinas. The culmination of this process was the decree establishing the Military and Civilian command of the Malvinas Islands precisely on 10 June 1829, and appointing Luis Vernet as its head." [2574]

In an open letter addressed to the British Government, Argentina's Foreign Minister Susana Malcorra calls upon the UK to engage in open dialogue on the sovereignty of the Falkland Islands.

June 14th, in the Falklands, the 34th Liberation Day is celebrated by the Islanders.

June 23rd, in New York, at the UN, the Special Committee on Decolonization commences its annual review of the Falkland Islands Non-Self Governing Territory (NSGT). [2575] Falklands Legislative Assembly members representing the people of the Islands are Michael Summers and Gavin Short. MLA Short refuses to shake hands with the Argentine delegates.

"The reality in the Islands continues to be one of rejection of Argentina. ... They oppose, as they have always done since 1982, any step that facilitates direct communication with the mainland. There are several examples that could be remembered, but it is enough to mention the last one, which took place on June 23 last, during the meeting of the Committee of 24 at the United Nations, when one of the islanders present refused to shake hands with our Chancellor." [2576]

2573 Speech available in full in the *MercoPress* June 3, 2016
2574 *MercoPress* June 10, 2016. For the full story, see 1829.
2575 *UN Doc A/Ac.109/2016/SR.9.* See https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/193/22/PDF/N1619322.pdf?OpenElement
2576 *Brexit and its impact on the sovereignty controversy in the South Atlantic* Vicente Berasategui in *Telam* July 1, 2016

Petitioners for Argentina are Alejandro Betts and Maria Angelica Vernet. [2577]

MLA Michael Summers addresses the Committee; *"The new Government of Argentina had made some encouraging remarks about its approach to the Falkland Islands, but nothing had changed. The Falkland Islands hoped that Argentina would soon feel able to dismantle its barriers to trade, cooperation and good neighbourliness. The Falkland Islands government remained willing, together with the United Kingdom, to enter into dialogue to find ways of working together for the benefit of future generations. Such dialogue did not include discussions on sovereignty. After 160 years, the Falkland Islands were no longer a colony of the United Kingdom and they had no intention of becoming a colony of Argentina."* [2578]

Summers is followed by MLA Gavin Short, who tells the Committee; *"The working practices of the Committee might be in need of overhaul, if it was to devise the fresh and creative approaches to decolonization urged upon it by the Secretary-General. The Special Committee had been established for the purpose of monitoring the implementation of General Assembly resolution 1514 (XV), and among what it saw as its mandated functions, the Committee dispatched visiting missions, organized seminars on the political, social and economic situation in the Non-Self-Governing Territories, mobilized public opinion in support of decolonization and held celebrations of solidarity with the peoples of the Territories. However, the Falkland Islands had seen no visits, no forums and no solidarity from the Committee. ... It was the Committee's duty to listen to the people of the Falkland Islands; only they could say what they wanted for their political future. The Committee was about decolonization, not recolonization. His people would never permit anyone to undermine or bypass their right to self-determination or put them back into a colonial situation."* [2579]

"MLA Short gave an impassioned speech stating "when it comes to the political future of the Falklands neither the United Kingdom nor Argentina really matter...it's about us, the people of the Falkland Islands and... we are the only people who can say what we want for our future". ... Both MLA Summers and Short invited the Committee to send a delegation to the Falklands, as they have done during previous speeches at the C24, to see for themselves the realities of life in the Falklands and to see "that we are not a colony"..." [2580]

Argentine Petitioner, Alejandro Betts informs the *Committee* that: *"Argentine sovereignty over the territory was based on a historical title inherited upon independence from Spain prior to the British colonization of the Malvinas Islands."* [2581]

Maria Vernet says; *"... that her great-great-grandfather, Luis Vernet, had been appointed the first political and military commander of the Malvinas Islands by the Government of Buenos Aires in 1829. A Hamburg-born merchant, Vernet had adopted Argentina as his homeland and had become an Argentine citizen in 1821. He had lived on the Islands with his wife and four of their children, one of whom had been born there in 1830 ... the documentation in the national archives showed that Vernet had exercised Argentine sovereignty over the Malvinas Islands between 1824 and 1832. The settlement, whose population had been predominantly Argentine, had subsequently been dispersed and displaced by British immigrants in 1833."* [2582]

2577 Betts, a Falkland Islander by birth, had fled the Islands with the retreating Argentine forces in 1982. What he had done has never been very clear, but he came to be in receipt of an Argentine War Veterans Pension. Maria Vernet was a distant descendant of Luis Vernet; appointed Military Commander of the archipelago in 1829 by Buenos Aires. Most Argentine delegations to the Decolonization Committee include a Vernet.

2578 *UN Doc A/Ac.109/2016/SR.9*

2579 *Ibid.*

2580 *MercoPress* June 23, 2016

2581 *UN Doc A/Ac.109/2016/SR.9*

2582 *Ibid.* There is no documentary evidence of Luis Vernet becoming a citizen in 1821. In the 1850s, he still claimed to be a citizen of Hamburg. *cf.* 1821 & 1853

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces the annual draft-resolution.

> *"Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas),*
>
> *1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."* [2583]

Speaking as an observer, Argentina's Foreign Minister, Susana Malcorra, addresses the Committee.

> *"... the principle of self-determination, like any other principle, is not absolute. It cannot violate the territorial integrity of existing States. This is why self-determination does not apply to the current inhabitants of the Malvinas Islands, who are not recognized as a "people"... the resolutions on the Question of the Malvinas Islands make no reference to the principle of self-determination. Furthermore, in 1985 the General Assembly rejected two amendment attempts aimed at incorporating a reference to the self-determination in the resolution over the question of the Malvinas Islands..."* [2584]

As in previous years, the committee adopts the draft-resolution without a vote. [2585]

June 24th, in the UK, the results from a referendum on its continued membership of the European Union are announced. 51.9% of the population have voted to leave. [2586]

"A large part of the Falkland Islands' recent economic prosperity can be attributed to the UK's membership of the EU. The Falkland Islands government estimates that the total sales of fish, meat and other agricultural products produced in the Falklands to the EU is valued at £180 million per annum, meaning that the EU is the largest single market for Falklands products globally, accounting for 70 per cent of total GDP... In the aftermath of the UK's decision to leave the EU, as the security and defence implications of the decision become clearer, it is critical that the more nuanced and 'indigenous' understanding of Falkland Islands security brought to the surface during the referendum process should not only remain, but increasingly influence the UK's South Atlantic security framework." [2587]

"It is obvious then that Brexit will not only hit islanders in critical sectors of their economy. It will also detract from their political support among EU members. Could this change in the Islands' expectations have any effect on greater flexibility on the British side, both in London and in the Islands? It doesn't seem likely. It should be borne in mind that the new British Government will have a strong nationalist influence and will therefore maintain a rigid position on an issue involving claims of sovereignty." [2588]

2583 *UN Doc A/Ac.109/2016/L.7.* Similar wording every year.
2584 *UN Doc A/Ac.109/2016/SR.9. cf.* 1965, 1985 & 2008
2585 Adoption by consensus gets around the potentially awkward problem of some members not being full paid up and therefore unable to vote.
2586 Not being a part of the UK, the Falkland Islanders took no part in the referendum. However, Gibraltar did.
2587 *Brexit and the British Overseas Territories* Matthew C. Benwell & A. Pinkerton 2016 in *The RUSI Journal*, 161:4 8-14
2588 Berasategui in *Telam* July 1, 2016 *op cit*. Despite all the doom and gloom that followed the referendum, *The Times* newspaper in May of 2022, reported that the Falkland Islanders had the highest GDP PPP in South America. See - https://www.thetimes.co.uk/article/how-the-falkland-islands-became-one-of-the-worlds-most-affluent-places-f9kc8fzjk

June 27th, in the Falkland Islands, members of the International Committee of the Red Cross (ICRC) visit the capital of Stanley to discuss and evaluate the potential for identifying the remains of unknown Argentine servicemen buried at the Argentine Military Cemetery near Fish Creek. First requested by Argentina in 2012, the spokesman mentions the delay, saying; *"We took over two years in order to be sure of the wishes of the families; to check the consent of the families. We established forms and we established methodology in order to contact all of the families and to be sure that these were the wishes of the families, that it was not a political wish of the government."* [2589]

"Members of the Red Cross were the first to go to the Falklands to speak with the Islanders, who requested that the work be done in winter, which is the non-tourist season." [2590]

June 30th, at the end of the Falklands financial year; *"According to the administering Power, the 2016/17 operating budget amounted to approximately £63 million. The Territory makes every effort to maintain a balanced budget strategy."* [2591]

July 4th, in Buenos Aires, President, Mauricio Macri speaks to the press; "*Brexit or not, our claim will never change."*

"... the former diplomat (Andres Cisneros) argued that "even weakened, you can't force the UK to engage in sovereignty discussions. Not even inside or outside of the EU. And we are far from that. I believe negotiations will begin in 40, maybe 50 years. First of all we must become an important country so they don't ignore us" ... According to Cisneros, London promised the EU participation in the South Atlantic and Antarctica, based on British sovereignty rights. "The EU does not have them, the UK does have them. It will become another negotiation inside the 'divorce', and I'm sure the EU won't want to be left out of Antarctica and the South Atlantic."..." [2592]

July 14th, in New York, at the UN, the Special Committee on Decolonization publishes its 2016 report. As in previous years, the Committee's Falklands resolution is not listed among those recommended for adoption by the General Assembly. [2593]

July 15th, in Buenos Aires, former Argentine Foreign Minister, Dante Caputo, proposes; *"... a truce until 2033, when the 200 years of the British occupation of the Islands. From now on and until 2033, nobody talks about sovereignty, which will protect us from the period being used as a background to consider we should abandon the claim... The multilateral path no longer yields a result..."* [2594]

August 29th, in an interview with Buenos Airean newspaper, *Clarin*, Argentina's Ambassador to the UK, Carlos Sersale Di Cerisano, confirms that there are no negotiations taking place, only discussions.

September 8th, Britain's *Guardian* newspaper reports an interview with Argentina's Foreign Minister.

> *"Argentina is willing to consider resuming direct flights to and from the Falklands Islands and a joint UK-Argentinian exploration of hydrocarbons around the islands, the Argentinian foreign minister, Susana Malcorra, has said. ... Stressing that Argentina's claim to the Falklands is implanted in its constitution, Malcorra, ..., told the Guardian she wanted to end the era of confrontation.*

2589 *MercoPress* July 1, 2016. The UK had been accused of delaying the process.
2590 Padilla 2025
2591 *UN Doc A/AC.109/2017/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 28 March 2017*
2592 *MercoPress* June 25, 2016
2593 *UN Doc A/71/23: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2016* See - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/218/20/pdf/N1621820.pdf?OpenElement
2594 Quoted in *MercoPress* July 15, 2016

Malcorra said she was looking for confidence-building measures between the UK and Argentina, and heralded a change in rhetoric. "The previous administration was very confrontational, and we do not want that. We both recognise that solving this problem will take time. Our claim to the Malvinas will be sustained, but as part of the approach of a good neighbour.

We think over the long term a solution can be found but in the meantime we can and should be respectful, and find ways to open up the opportunities for confidence-building measures. There has been a zero-sum approach, but we think if we sit at the table, and are positive and creative there are alternatives". She added that 80% of Anglo-Argentinian relations were cooperative, and the task was to work on the remaining 20%."

"In an interview with this author, Vice-Chancellor Carlos Foradori explained that "the main objective of the Foreign Ministry was to give the Malvinas issue a normality once again in order to create an atmosphere of dialogue similar to that which existed in 1971. This climate of harmony with the islanders and the understanding with London paved the way that led to discussions with the United Kingdom on the issue of sovereignty." Criticizing Kirchnerism, Foradori adds "You couldn't urge dialogue when you were harassing your interlocutor (London) all the time" and "We had to build trust and create an appropriate framework so that, with the appropriate maturity, we could talk about sovereignty"." [2595]

September 12th, British Foreign Minister Alan Duncan arrives in Argentina to attend a Business and Investment forum. [2596]

September 13th, in Buenos Aires a joint Anglo-Argentine statement is released to the Press.

"South Atlantic: In a positive spirit, both sides agreed to set up a dialogue to improve cooperation on South Atlantic issues of mutual interest. Both governments agreed that the formula on sovereignty in paragraph 2 of the Joint Statement of 19 October 1989 applies to this Joint Communique and to its consequences. [2597]

In this context it was agreed to take the appropriate measures to remove all obstacles limiting the economic growth and sustainable development of the Falkland Islands, including in trade, fishing, shipping and hydrocarbons. Both parties emphasised the benefits of cooperation and positive engagement for all concerned. In accordance with the principles set out in the 14 July 1999 Joint Statement and Exchange of Letters, ***both sides agreed that further air links between the Falkland Islands and third countries would be established****. In this context they agreed the establishment of 2 additional stops per month in mainland Argentina, one in each direction. The specific details will be defined.*

Both delegations expressed their full support for a DNA identification process in respect of unknown Argentine soldiers buried in the Darwin cemetery. Discussions on this sensitive humanitarian issue will be taken forward in Geneva on the basis of an International Committee of the Red Cross (ICRC)

2595 Romero 2020

2596 In memoirs published in 2022, Alan Duncan would claim that he first met his opposite number, Carlos Foradori, at the British Embassy in Buenos Aires, accompanied by Ambassador Mark Kent. Initial talks regarding extra flights for the Falklands then took place within the Embassy's wine cellar and, according to Duncan, the wine flowed freely until a base agreement was reached. However, the following day, Foradori was unable to remember what had been agreed and Kent had to outline it again for him. *cf. In the Thick of It: The Private Diaries of a Minister* Alan Duncan 2022

2597 This refers to the *'sovereignty umbrella'* agreement whereby discussions could take place without sovereignty being raised. See 1989.

assessment supplemented by bilateral discussions as required. Both sides agreed that the wishes of the families concerned were paramount. Both sides agreed to establish a date for a fuller meeting as soon as possible." [2598]

Britain's Minister, Sir Alan Duncan, comments; *"... pleased we have agreed the Falkland Islands are free to set up flight connections with other countries in the region. A monthly stopover in Argentina will see a further arrangement similar to that which exists already... the South Atlantic Dialogue will seek to build cooperation in areas of mutual interest, but this does not include the issue of sovereignty, a point which the UK believes in strongly, ... there can be no dialogue on this unless the Falkland Islanders so wish."* [2599]

"Last September a furious Carrió questioned the Argentine/UK 13 September joint release of which she was only aware through the media, and demanded Congress must have a say. "The objectives of our State policy will not be achieved through a cooperation scheme in which the British government only understands negotiations when it imposes its conditions", blasted the Lower House foreign affairs committee chair." [2600]

"In September 2016, the government of the Alianza Cambiemos began a new negotiation and re-established agreements. Foreign Minister Malcorra (sic) and British Vice Chancellor Alan Duncan ***signed*** *a "declaration" which contemplates the joint exploitation of fishing and hydrocarbons in the Malvinas area and the re-establishment of a flight from the islands to the mainland, to mention the central aspects, but without, not even put into discussion, some of the previous measures that led to the rupture, much less the issue of sovereignty."* [2601]

"The joint communiqué, ***signed*** *by the vice-chancellors Carlos Foradori and Alan Duncan, presents significant drawbacks for the historical Argentine position: although it includes a mention of the so-called "sovereignty umbrella" of 1989, which preserves the legal positions of the parties, (it) does not expressly refer to the sovereignty dispute, but to "economic growth and development sustainable" of the Falkland Islands as an autonomous unit. ... As it is an international agreement, it is unconstitutional, since it has not been approved by the National Congress."* [2602]

"In light of the theory of sources of international law, no doubts remain that the Joint Communiqué is an international treaty." [2603]

"The Government of Argentina was of the view that the joint communiqué was a road map – pragmatic in nature and non-binding – that reflected the political intent of the parties to re-establish a dialogue on all matters relating to the South Atlantic, without exclusions, under the sovereignty umbrella formula. In the view of Argentina, the objective of the communiqué was to create the conditions conducive to the resumption of negotiations between both parties in order to solve the sovereignty dispute, the persistence of which constituted the main obstacle to the development of the Islands." [2604]

2598 *Policy Paper: UK and Argentina joint communique: 13 September, 2016* FCO September 14, 2016. My emphasis. In reality, little more than a statement of intent. A single weekly flight from Chile had been in operation since 1990. Argentina cancelled this agreement in March, 2022.

2599 *Rockhopper Notes UK and Argentina Joint Statement on Areas of Mutual Cooperation* September 15, 2016

2600 *MercoPress* December 29, 2016

2601 Caviasca 2018. My emphasis. Nothing more than a statement and nothing had been signed. See September, 2016

2602 Daniel Filmus in *Malvinas: Una Cause Regional Justa* 2020 (CLACSO) p.25 & 26. My emphasis. Argentina's Congress ratifies treaties, not statements. See September, 2016

2603 Abruza 2020 p.44. Moot at best.

2604 *Falkland Islands (Malvinas): Working paper prepared by the Secretariat 2022 UN Document:* A/AC.109/2022/6

From Stanley, the Falkland Islands Government issue a statement.

> *"The Falkland Islands Government (FIG) welcomes the agreement by the Argentine Government to remove all obstacles limiting the economic growth and development of the Falkland Islands. We look forward to removal of sanctions on hydrocarbons, fisheries, shipping and tourism. We look forward to seeing tangible signs of improvement in these areas.*
>
> *FIG has been exploring the possibility of additional flights to the Falklands from a third country in South America for some time. An agreement to progress this commercial venture is helpful. As stated in the joint communique, the principles of such flights were agreed in the 1999 Agreement. Any future stopover in Argentina will operate in the same way as the current LATAM flight from Santiago."*

September 16th, in Buenos Aires, Deputy-Minister Carlos Foradori tells *Clarin* that the '*Joint Communique'* is: *"... not an agreement."*

September 17th, Argentine newspaper *Clarin* reports:

> *"Malcorra said that she applies the "Pareto principle" to the conflict over the Malvinas. ... Normally – said Malcorra – one can agree 80% with people, with institutions, with organizations. And there is 20% on which one does not agree or on which one can work to reach a compromise. In the case of the United Kingdom, it is clear that our 20% is the Malvinas."*

"The Italian economist Vilfredo Pareto proposed in 1896 "the 80-20 rule" which implies, synthetically, that there are 80% of issues that can be resolved and the rest cannot. It is clear that Malcorra and Pareto are saying different things. According to Malcorra, the Malvinas issue is merely a "disagreement" with London, while in Pareto's terms, it is an aspect of the bilateral relationship that cannot be resolved." [2605]

September 18th, *MercoPress: South Atlantic News Agency* reports:

> *"The recent Argentina/UK joint cooperation statement, with a chapter on the Falklands/Malvinas Islands, is "promising", however much rests to be defined and agreed, and additional air links should be carried out by Argentina's flag carrier, according to Rosana Bertone, governor of the extreme south province of Tierra del Fuego, Antarctica and South Atlantic Islands.*
>
> *"A first consideration, (on the joint statement drafted by foreign minister Susana Malcorra and UK's Foreign Office minister for the Americas Alan Duncan) is that dialogue, any dialogue is positive, and we have always favoured this path. However even when the additional two air links with the Islands are promising, despite details of the extent of the cooperation have yet to be defined, I believe that air links should be guaranteed to be serviced with Argentina's flag carrier", pointed out governor Bertone.*
>
> *As to the phrasing that refers "to the appropriate measures to remove all obstacles limiting the economic growth and sustainable development of the Falkland Islands, including in trade, fishing, shipping and hydrocarbons", Bertone recalled that those were bills were approved by Congress so "we still have to see how, and how far, lawmakers are prepared to flexibilize (sic) a situation which clearly was geared to guarantee the protection of our living natural resources and those of the continental shelf, as enshrined in our national and provincial constitutions". ...*
>
> *"My position is very clear, I will always support dialogue, but also the defense of our natural resources in the Malvinas and surrounding areas", concluded governor Bertone."*

2605 Romero 2020

September 19th, Argentine Senate provisional-President Federico Pinedo speaks to the press; *"What the government did was a statement, not even an accord, and it's not a treaty. The statement refers to several issues, and each of them requires a specific accord to become operational."* [2606]

September 20th, in New York, during his first speech to the United Nations, President Macri calls for negotiations with the UK on the issue of Falklands' sovereignty.

> *"… dialogue and the peaceful settlement of disputes is the foundation stone of democratic Argentina, that is why I reiterate our call for dialogue with the United Kingdom to amicably resolve the sovereignty dispute that we have over the Malvinas, Sandwich and South Georgia. We have shown interest in advancing our bilateral relationship, which must be mutually beneficial."* [2607]

"In addressing the General Assembly on 20 September 2016, the President of Argentina, Mauricio Macri, reiterated his Government's call for dialogue with the United Kingdom, as called for in many resolutions of the United Nations, so as to amicably resolve the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, stating that they had shown interest in advancing their bilateral relationship, which could and should be mutually beneficial. He stated that it would be possible to find a definitive solution to that prolonged dispute." [2608]

While at the UN, President Macri meets British Prime Minister, Theresa May. Briefly. [2609]

"Argentine president Mauricio Macri told British Prime Minister Theresa May he was ready to begin an open dialogue on the Falklands/Malvinas sovereignty, which he described as "the main issue" of bilateral relations. According to Argentine media reports, Theresa May said that yes, "it was time to begin talking"." [2610]

"The Argentine president mentioned being ready "To begin an open dialogue, which of course includes the issue of sovereignty over the islands", at the that the prime minister responded, in the words of Macri, that indeed "we would have to start talk" (La Nación, 09/20/16). For its part, The Foreign Office stated that "there was never talk of issue of the sovereignty of the Malvinas Islands in the brief informal meeting that May and Macri held in New York, so there could not have been an expression of Great Britain in that sense" (La Nación, 09/21/16). The truth is that the meeting between Macri and May was cordial and very formal, but with scheduling problems, a bilateral meeting could not be set up. There was only an informal exchange of three minutes between both leaders." [2611]

September 28th, in Buenos Aires, Carlos Foradori assures Argentina's Lower House Foreign Affairs Committee that nothing was signed when he met with Britain's Sir Alan Duncan.

"Ambassador Foradori pointed out that a joint statement is a non binding roadmap and anticipated that in the event of signing any agreements with the UK they will merit be full and active participation of Congress be it through deliberations, considerations and debates. Proceeding on this path, "is an objective of all Argentines linked to obtaining full sovereignty over the Malvinas, South Georgia and Sandwich Islands and adjoining maritime spaces" underlined the Argentine official. The Argentine/UK joint statement from last 13 September, when the visit of Foreign Secretary minister for the Latin America, Alan Duncan, "is not an agreement or an international treaty"." [2612]

2606 *MercoPress* September 20, 2016
2607 Quoted in *La Nacion* September 20, 2016
2608 *UN Doc A/AC.109/2017/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 28 March 2017*
2609 A grand total of three minutes, apparently. Enough time to shake hands and utter the standard niceties.
2610 *MercoPress* September 21, 2016. Subsequently watered down.
2611 Colubriale 2020
2612 *MercoPress* September 29, 2016.

September 30th, Argentine philosopher, Carlos Escude, is interviewed on radio.

> *"... we have the same right to recover the Falklands as Paraguay has to recover Formosa or the Indians the Mar del Plata... if all countries which lost territory over the past centuries tried to recover them, the world would become chaotic and would not last 5 minutes. Why do we have rights to the Falklands? We suffered a seizure, but we also usurp. When the British occupied the Falklands, Mar del Plata was held by Indians. The Falklands did not have an indigenous population. The first to settle there were the French and two years (sic) later came the English. The Spanish purchased from the French for a sum of money. Argentines were brainwashed."* [2613]

In Geneva, on the same day, at the closing session of the 33rd Human Rights Council, Argentina asserts a claim to the South Atlantic Islands.

"Discussions were coming to an end in Geneva when the Argentine representative Victoria Gobbi took the stand and reiterated the official claim on Falklands sovereignty discarding UK's self determination argument that it is up to the Islanders to decide whether they prefer to be independent, part of Argentina or continue as a British Overseas Territory. The presentation was interpreted as mainly for domestic consumption following the controversy in Argentina triggered by the recent joint statement with the UK and its chapter on the South Atlantic." [2614]

October 3rd – 10th, at the UN, the Fourth Committee commences its annual consideration of the work of the Special Committee for Decolonization. A number of speakers refer to the situation of the Falkland Islands. Some welcome new discussions between Britain and Argentina, while others call for full negotiations to start. Argentina asserts that the right of self-determination is not applicable to the Islanders. [2615]

Exercising the UK's right of reply, a British spokesman tells the committee that; *"... his Government was in no doubt about its sovereignty over the Falkland Islands (Malvinas), South Georgia Islands, South Sandwich Islands and the surrounding maritime areas. Nor was it in doubt about the Falkland islanders' right to self-determination. There could be no dialogue about sovereignty unless the Falkland islanders so wished, he emphasized, saying Argentina should respect the results of the 2013 referendum. He went on to state that exploring for hydrocarbons off the islands was a legitimate commercial venture over which Argentine domestic law did not apply."* [2616]

"He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled The Overseas Territories: Security, Success and Sustainability, his Government had worked closely with the overseas territories to further develop those partnerships. At annual meetings of the Overseas Territories Joint Ministerial Council, the United Kingdom and the territories reviewed strategy and commitments and, in 2015, the United Kingdom had affirmed its commitment to the advancement of the peoples of the territories, their just treatment and protecting them from abuses and the importance of promoting their right to self-determination. His Government's fundamental responsibility was to ensure the security and good governance of the territories and their peoples." [2617]

2613 Quoted in *MDZ: Politica* September 30, 2016. Political scientist and author, Carlos Escude was formerly an adviser to Argentine Minister Guido di Tella. The French arrived on East Falkland Island in 1764, followed by the British on West Falkland Island in 1765. The French left in 1767, with the arrival of Spain. See *Falklands Wars* vol.1

2614 *MercoPress* October 3, 2016.

2615 *UN Docs A/C.4/71/SR.2 & SR.5 & SR.6 & SR.7.* See also *UN Doc A/AC.109/2017/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 28 March 2017*

2616 UN Press Release *GA/SPD/607* October 3, 2016

2617 *UN Doc A/AC.109/2017/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 28 March 2017*

On the last day, the Fourth Committee approve 20 texts for adoption by the General Assembly. [2618] With no recommendation from the Special Committee regarding its Falklands resolution, that resolution is not among them. No further action is taken upon this issue for the 28th year in succession.

"... I am puzzled by an initiative taken by several political leaders of the opposition, during the electoral process that we experienced last year, to bring the issue to the General Assembly, without taking into account all the background that comes to mention. Do you believe that the General Assembly has the authority to impose on the parties a solution to a territorial dispute? The reality is that the General Assembly does not negotiate such disputes and generally only endorses international treaties after they have been negotiated by ad hoc conferences or meetings. The General Assembly is basically a deliberative body, as the United Nations Charter itself clearly expresses." [2619]

October 5th, in Buenos Aires, Foreign Minister Susana Malcorra is summoned to the Argentine Senate to explain the joint statement of September 13th.

> *"I don't believe in the seduction policy. Diplomacy is sitting face to face taking into account the country's interest to try and find diagonals that help find solutions,.. we have generated a wide dialogue space with the UK, which is very positive, and the first time in many years it was stamped in a joint statement, and in a language which refers to the sovereignty clause... and we can agree or disagree in the path to follow but under no circumstances are we yielding in the sovereignty principle over the Islands, as was clearly exposed in the Decolonization Committee, C24... we are convinced that instead of the confrontation policy of recent years, it is worth while opening a dialogue space to find ways to approach the issue and eventually to facilitate a solution to the bottom question... any accord linked to hydrocarbons or fisheries will be dealt by Congress ... For us sovereignty is not an issue that involves the inhabitants of the Islands, since it is territorial. But we must recognize the way of life of the those inhabitants."* [2620]

Minister Malcorra adds that the UK has agreed to discussions on all issues, "*without exception*." [2621]

"More specifically Malcorra again underlined that the statement emphasizes the benefits of cooperation and a joint commitment, but also warned that the issue is highly sensitive for Argentines, and should not be bastardized by appealing to those sentiments, for whatever reason... The minister finally said that the joint statement includes a first intention to advance towards a discussion ... a solution to the sovereignty dispute will not be immediate but that is how things are." [2622]

October 9th, in the Falkland Islands, a census is held. [2623]

"According to the report on the 2016 census of the Territory, in 2016, the average household income was calculated to be £43,600, with a median of £37,500, an increase of 15 per cent compared with 2012; the unemployment rate was 1 per cent, as had been the case in 2012, and one in five people who work have two or more jobs, which is very often by choice, according to the administering Power." [2624]

2618 *Fourth Committee Press Release GA/SPD/612*
2619 Berasategui 2017
2620 Malcorra quoted in *Mercopress* October 6, 2016
2621 Seemingly, Malcorra had not read the first paragraph of the joint statement which placed the question of 'sovereignty' under the 'umbrella' formula agreed in 1989.
2622 *MercoPress* October 6, 2016
2623 See - https://falklandstimeline.files.wordpress.com/2018/01/falkland_islands_census_2016_-_report_without_data_tables.pdf
2624 *UN Doc A/AC.109/2019/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 26 February 2019*

October 14th, following an announcement of military exercises to take place on the Falklands between the 19th and the 28th October, Argentina sends a letter of complaint to the UN's Secretary-General.

> *"As you are aware, the Argentine Republic has repeatedly expressed to the international community its concern regarding British military deployments in the Malvinas Islands. This situation is creating unnecessary and unjustified tension in the South Atlantic, which has been declared a zone of peace by the legitimate littoral States of this ocean. The conduct of these military exercises in Argentine territory unlawfully occupied by the United Kingdom is contrary to numerous United Nations resolutions that urge the two countries to resume negotiations, in order to find a peaceful and definitive solution to this protracted sovereignty dispute. …*
>
> *This new unilateral action on the part of the United Kingdom not only contrasts with the permanent willingness of the Argentine Republic to settle the sovereignty dispute by peaceful means, in accordance with international law and the relevant resolutions of the United Nations, but also jeopardizes the development of a constructive dialogue to improve cooperation on all South Atlantic issues of mutual interest, as expressed in the joint communiqué issued by both Governments on 13 September 2016."* [2625]

"By the letter dated 14 October 2016 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/71/553), the Permanent Representative transmitted a note by the Deputy Minister for Foreign Affairs of Argentina in which he reiterated the concern of Argentina regarding military deployments by the United Kingdom in the Malvinas Islands, stating that the situation was creating unnecessary and unjustified tension in the South Atlantic, which has been declared a zone of peace, and that it was a violation of General Assembly resolution 31/49. He also stated that the new unilateral action by the United Kingdom not only contrasted with the permanent willingness of his Government to settle the sovereignty dispute by peaceful means, in accordance with international law and the relevant resolutions of the United Nations, but also jeopardized the development of a constructive dialogue to improve cooperation on all South Atlantic issues of mutual interest, as expressed in the joint communiqué issued by both Governments on 13 September 2016." [2626]

Buenos Aires newspapers note that Argentina had held similar missile firing exercises in February, 2016, off Bahia Blanca.

On the same day, *MercoPress: South Atlantic News Agency* reports:

> *"… "Is a monthly stopover in Argentina too high a price to pay for a direct weekly flight to Sao Paulo, the biggest flight hub in South America", is the question we all have to ask ourselves, said lawmaker MLA Mike Summers this week as he set out the situation and options available to progress and develop the Falkland Islands' economy. MLA Summers explained that an opportunity had now arisen to put such a flight in place, but to do so required the agreement of the Brazilian Government, and the confidence of the successful airline that they would not be punished in some way for flying to the Falklands. "This will only come from explicit Argentine agreement not to obstruct the flight. Simply flying around Argentine airspace, as some have suggested, is unlikely to achieve this, though we will continue those lines of discussion. At this early stage Argentina has indicated that in return for advising the Brazilian Government that it does not object, they would like the flight to stop over once a*

2625 *UN Doc A/71/553*
2626 *UN Doc A/AC.109/2017/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 28 March 2017*

month in Argentina. At this current time no more, no less". MLA Summers said the task for the Falkland Islands was to find ways of moving forward that do not compromise or put at risk, hard won political, social and economic development."

"... it is understandable that those people who resided in the Islands in 1971, and who still live here today, remember how a seemingly innocent air link between Argentina and the Falklands developed, some 6 years later, into the discussion of sovereignty and the subsequent invasion of the Islands, are they are now naturally wary of any type of cooperation with Argentina in terms of regular and direct air or sea communications. It is unofficially reported that the present Argentine Government would like to re-establish the LADE air service – but at what cost to the ever-increasing and affluent Islands population? For sure the Argentines would expect a natural progression which would eventually lead to closer cooperation and eventual acceptance of their sovereignty claim. 50 years ago the Islanders were duped by the British Foreign Office into believing that Argentina was acting as a kindly neighbour with no ulterior motives. It is inconceivable to believe that our present MLAs or, indeed, that a vast majority of the population would be foolish enough to be deceived again..." [2627]

October 19th, the Falkland Islands Government sign a Memorandum of Understanding with the British Chilean Culture University (UCBC), concerning future co-operation.

"Pedro Pfeffer, President of the Executive Council at UCBC, said the agreement followed a year of discussions and a visit to the Falklands. It will enable students studying English at the university to spend a month or more in the Falkland Islands as part of their degree. María Cristina Brieba, UCBC Vice-Chancellor, commented that the Falkland Islands invest heavily in Education and, "being an English speaking community off the tip of South America, was uniquely placed to help our students".' [2628]

A week of military exercises commence in the Falklands archipelago.

October 20th, in Buenos Aires, protesters burn union flags in front of the British Embassy.

"The protesters said the war games amounted to "a NATO exercise on occupied territory, which is not only an affront to Argentine sovereignty but an act of aggression against all" of Latin America"... During Thursday's protest in Buenos Aires' Recoleta neighborhood, a group of around 100 people burned two British flags and harshly criticized Argentine President Mauricio Macri's efforts to strengthen ties with Prime Minister Theresa May's administration." [2629]

October 28th, in New York, at the UN Building, Argentina submits a partial revised submission to the Commission on the Limits of the Continental Shelf (CLCS). [2630]

November 10th, in Argentina, at a conference on foreign policy held at the Torcuato Di Tella University, Foreign Minister Susana Malcorra tells her audience that Argentina cannot go on ignoring the Islanders.

"*Malcorra said that historically the Argentine position was not to acknowledge for this case in particular the self determination of peoples, because 'kelpers' are a transplanted population, not aborigine. The UK supports the opposite (view) and a few years ago encouraged the Islanders to hold a referendum to vote if they wished to continue as British citizens, and Argentina obviously ignored the result."* [2631]

2627 Patrick Watts MBE quoted in *Penguin News* February 26, 2021.
2628 *MercoPress* October 22, 2016
2629 *MercoPress* October 21, 2016
2630 See February 14, 2017 below
2631 *MercoPress* November 10, 2016

November 21st, *MercoPress* reports:

> *"The Argentine government is trying to agree with the UK on the humanitarian mission to identify the remains of an estimated eighty Argentine combatants (from 1982) buried in Falklands' Darwin cemetery,*[2632] *but there are still details to reach, more political than technical, since the Falkland Islanders insist in being part of the official documents, something "which is unacceptable for the Argentine foreign ministry". The statement belongs to Maria Teresa Kralikas, head of the Malvinas Affairs Office who insists the purpose of the mission is "only humanitarian and does not affect the Argentine rights over the Malvinas Islands", and looks to settle a historic debt with the relatives of the fallen combatants who remain unidentified. Finally "because of this initiative the combatants will be identified at their final resting place in the Darwin cemetery".*
>
> *According to Ms Kralikas sometime in December the two delegations of negotiators (Argentina and UK) are scheduled to meet in Geneva, where is the seat of the International Red Cross which will chair the round of talks. Among pending issues, according to the Argentine foreign ministry are accords more political than technical, "such as pressures from the Islanders to be included in the documents as part of the negotiating sides, a wish which is recurrent from the colonial government of the Malvinas but unacceptable for the Argentine foreign ministry".*
>
> *The ministry admits that contacts have been established with relatives of 83 of the 123 fallen combatants which remain unidentified, although efforts are ongoing to contact the remaining forty."*

December 8th & 9th, from Geneva in Switzerland, the International Committee of the Red Cross (ICRC) announces talks between the Governments of the UK, Argentina and the Falkland Islands with regard to the identification of those Argentine servicemen buried at the Military Cemetery whose names remain unknown.

"Delegations from Argentina and the United Kingdom on Friday agreed, in principle, on the mandate that they will jointly entrust to the International Committee of the Red Cross (ICRC) to carry out the identification of Argentine soldiers buried in Darwin cemetery on the Falkland/Malvinas Islands. According to the official release from ICRC, the delegations also agreed next steps in a number of areas relating to this sensitive humanitarian matter. These included the potential timing and scope of the project, the identification procedures and other details, such as logistical arrangements and the selection of laboratories for DNA sample testing. The ICRC has every confidence that the agreement will be formalized by the respective governments at the earliest opportunity." [2633]

December 19th, in London, Anglo-Argentine talks continue.

"Buenos Aires reports from Argentine sources indicate talks were held in a "very good climate" with the attendance of two Falkland Islands representatives as part of the UK delegation since several issues relative to the Islands were addressed. ... the main item to be addressed at the meetings was a second flight from South America to the Falklands, as was agreed in the September Joint Statement between UK and Argentina, and "progress now needs to be made on requesting expressions of interest from qualifying airlines to operate a service". Although not mentioned in the release the Falkland Islanders had made it clear that the air link should be to a third country, preferably Chile or Sao Paulo in Brazil." [2634]

2632 The Argentine Military cemetery is some five miles from the Darwin settlement, in an area with no name other than Fish Creek. Darwin has its own cemetery.

2633 *MercoPress* December 10, 2016

2634 *MercoPress* December 20, 2016

December 21st, an agreement with regard to the identification of those unknown servicemen buried at the Argentine Military Cemetery, is signed – *Humanitarian Project Plan between Argentina, the UK and the ICRC on the Identification of the Remains of Unidentified Argentinian Soldiers* (HPP).

> *"Considering … That the AR [Argentina] and the UK have committed to bring an answer to the families in accordance with their obligations under IHL to help identify the unidentified Argentine soldiers buried in Darwin cemetery; That the ICRC, vested by the mandate of a neutral, impartial and humanitarian organisation, is committed to support the AR and the UK in their efforts to identify the human remains of the unidentified soldiers in order to bring answers to their families; The Parties have decided on the following:*
>
> *Article 1. Purpose and Scope of the HPP: The AR and the UK request and allow the ICRC to carry out the identification of the remains of the unidentified Argentina soldiers located in 123 graves in Darwin cemetery with the aim of providing the most likely identity of the deceased with an exclusively humanitarian objective of helping provide answers to their families, in accordance with the terms and modalities of the HPP [Humanitarian Project Plan]. …*
>
> *Article 2. Legal Framework and Governing Principles: The HPP and all activities under the HPP will be governed and guided by the following principles:*
>
> *1) The Parties will engage in the implementation of the HPP with exclusively humanitarian objectives and for the sole purpose of providing the most likely identity of unidentified Argentine soldiers buried in Darwin cemetery in order to provide this information to their families.*
>
> *2) The approach of the Parties with regard to the activities related to the HPP will be strictly humanitarian, refraining from any action that may contravene, undermine or impede the humanitarian nature and objective of the HPP. …*
>
> *5) The Parties will respect and preserve the dignity of unidentified soldiers, their human remains and their families throughout the process.*
>
> *6) The AR and the UK will ensure that the ICRC is in a position to carry out all activities of the HPP in full conformity with its Fundamental Principles of neutrality, impartiality and independence, as recognized and defined in the Statutes of the International Red Cross and Red Crescent Movement."*[2635]

"Under the agreement signed by British Foreign Office Minister Alan Duncan and Argentina's Vice Foreign Minister Pedro Delgado, forensic experts from the International Committee of the Red Cross will take DNA samples from the soldiers' bodies. They will then compare the DNA with that of consenting relatives, the statement said. There are 123 unknown soldiers buried in the Falkland Islands, though not all families of the deceased have given consent for DNA testing. … Both countries also agreed to consult with airport authorities in Brazil and Chile to link more flights to the islands, located about 435 miles off the coast of southern Argentina." [2636]

"The exhumation of remains will take place between June and September, three months that coincide with winter but when rainfall is lowest in the Falklands. The task will be one by one, and once a sample is taken from skeleton tissue for DNA test, remains will be returned in a proper coffin to the grave. Forensic staff will work in a temporary morgue of containers at the Darwin cemetery, where the primary lab conditioning will take place. The document indicates that local labour will be needed for the digging and other tasks. Samples

2635 Apparently eleven pages long and not an easy document to find. This gleaned from a number of sources. Some of which date this accord to the 20th.

2636 *Reuters: Africa* December 21, 2016

will be regularly shipped to the Argentine Forensic Anthropology Department in Cordoba for the DNA sample testing and checking with those of next of kin. Random tissue (10%/20% of samples) will be shipped to Lancashire University in Preston and to Santiago de Compostela, Spain University for "a double and blind cross" checking to ensure the results from Cordoba. ... both sides are bound to strict confidentiality and only report to the next of kin the results. Each remains exhumed will have an individual report, and at the end there will be a consolidated document with all the data. However PPH admits that it is possible some remains won't be identified because of lack of available reliable samples for the testing. Work in the Falklands will be done in total confidentiality, public information will "be limited to a minimum, strictly necessary" given the sensitivity of the mission and no media will be allowed. Furthermore the plan is to fence the area during those months. Only after the final report is delivered, Argentina and UK will assess how much of it will be declassified, if any." [2637]

"Following talks facilitated by the ICRC in December 2016, the governments of Argentina and the United Kingdom agreed to entrust the ICRC with identifying Argentine soldiers buried in Darwin cemetery. On 20 December 2016, the Humanitarian Project Plan was signed by Argentina's deputy foreign minister, Pedro Villagra Delgado; the minister of state for Europe and the Americas at the UK's Foreign and Commonwealth Office, Sir Alan Duncan; and the president of the ICRC, Peter Maurer." [2638]

In Argentina, on the same day, comments by the Argentine Minister Villagro Delgado to the press suggest that an accord may be reached on a joint fishing agreement for the South West Atlantic; in accordance with UN resolution 50/24 of December, 1995 - *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*. [2639]

"... another serious reason why said treaty should not be ratified by the Argentine Government resides in the circumstance that the establishment of an RFMO in the Southwest Atlantic would create a legally and politically inadmissible situation, with unpredictable results for the Argentine Republic recognising the illegal British occupation of the Falkland Islands, South Georgia and South Sandwich and surrounding maritime spaces. ... Such a situation could not be ignored, even if reservations were made of sovereignty, declarations or other objections by the Argentine Government in relation to the British presence. The United Kingdom or the alleged colonial government (FIG) would obtain recognition as such by other Member States of that (regional) organization or parties to the subregional arrangement, giving place to a hardly reversible process that will have as a consequence undermin(ing) the territorial and maritime sovereignty of the Argentine Republic in the South Atlantic and which would carry other consequences... it would be desirable for the Executive Power to formally communicate to the Depositary of the New York Agreement that the Argentine Republic does not intend to become a party to said instrument or that it withdraws its signature. In our opinion, the Legislative Branch, for its part, should proceed to repeal Law 25.290, approving the New York Agreement." [2640]

December 23rd, Britain's Prime Minister, Theresa May, sends a Christmas message to the Falkland Islanders.

2637 *MercoPress* January 6, 2017

2638 Interview with Head of the Humanitarian Project Plan, Diego Alonso Rojas Coronel June 3, 2017 in ICRC Audiovisual Archives. Here - https://avarchives.icrc.org/Picture/135912

2639 UN Resolution 50/24 here - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N95/257/78/PDF/N9525778.pdf?OpenElement See 1995 & 2000

2640 Abruza 2020 p.64-65. Argentina's National Congress had authorised the UN resolution in 2000 (law 25.290) but, two decades later, the Executive has still not ratified that legislation.

"We remain resolutely committed to your right to self-determination – on which you made clear your firm position in the referendum 3 years ago. A better relationship with Argentina is in everyone's interests, and in time, I hope you will reap the rewards through benefits to your economy, improving trade and tourism, and developing your hydrocarbons and fisheries industries."

December 24th, *MercoPress* reports:

"Jeremy Clarkson, the ex leading star of one of BBC's most successful programs, Top Gear is back again squabbling with his not so generous hosts in the extreme south of Argentina. A veteran provocateur which feeds into British nationalism, this time in his Christmas greetings he had a special reference to Tierra del Fuego from which he was chased away in late 2014.

Jeremy twitted: "Happy Christmas to everyone. Except the Tierra Del Fuego people of Argentina. You lot can sod off". Jeremy Clarkson (@JeremyClarkson) 24 de diciembre de 2016.

The reference dates back to October 2014 when Clarkson and his Top Gear were stoned and chased out of Tierra del Fuego, having to take refuge in neighboring Chile. It was the last leg of his Patagonia experience, but one of the vehicles' plate number was interpreted as a provocation and direct reference to the 1982 Falklands conflict, H982 FKL which triggered the reaction of Argentine nationalists, supposedly 'financed' by the government." [2641]

December 28th, Argentina's Chamber of Deputies inaugurates a Malvinas Observatory, comprising seven lawmakers and seven academics with the purpose of collecting information and debating the various disputes over the South Atlantic islands. [2642]

"All issues linked to fisheries and hydrocarbons in the Falklands/Malvinas must be discussed and approved by Congress, warned Argentina's chair of the foreign affairs committee adding that if necessary the officials involved, who ignore the legislative will be summoned and sacked with a no confidence vote and political trial. "On this issue they won't get away, if necessary we will summon those involved and have them sacked with a political trial", said lawmaker Elisa Carrió chair of the Lower House foreign affairs committee underlining that Congress will be decisive on the Falklands/Malvinas question, whatever the Executive signs. Ms Carrió's comments were made on Wednesday during the inauguration of the Malvinas Question Observatory in the Lower House to which was especially invited foreign minister Susana Malcorra who did not turn up but sent her deputy Pedro Villagra Delgado. "Please tell Minister Malcorra that she will find herself facing a wall if Congress is not informed and consulted on all issues and mainly accords agreed with the UK regarding the Malvinas question, which must be discussed by the legislative", said Ms Carrió sitting next to deputy minister Villagra Delgado." [2643]

2641 See 2014. The three vehicles were seized by the local police and, apparently, destroyed in 2019. See - https://en.mercopress.com/2019/04/05/top-gear-patagonia-special-cars-shredded-to-nut-size-in-hush-hush-operation

2642 An earlier *Malvinas Observatory* had been created by Congress in June, 2006. What happened to it isn't very clear.

2643 *MercoPress* December 29, 2016

2017 – January 1st, Argentina's Ministry of Social Development sends out a New Year greeting, with the message *"May 2017 find us united and in peace"*. Included is a map of Argentina which does not show the Falkland Islands.

"Ex-combatants of the war (between) the United Kingdom and Argentina in 1982 for control of those islands and users of social networks described the congratulation as offensive. Following the controversy, the ministry apologized, saying it was a mistake by the design team. … Alicia Castro, who served as Argentina's ambassador to the United Kingdom during the presidency of Cristina Fernández de Kirchner, described the absence of the islands as "inadmissible." "I am upset to see this mutilated map. Normally the British are the ones who do this, but I have not seen any (Argentine) government do it," she told Radio 10, according to the newspaper La Nación. Some users on social media accused the government of betraying the sovereignty claim." [2644]

"Argentina must strengthen its dissuasion, negotiations and security capacities, it's not convenient to repeat strategies that enabled the UK to get involved in unilateral political actions to ensure the status quo and refuse to talk about sovereignty … we must consolidate a domestic front dispossessed of partisan, political and ideological positions, and it is essential to be supported by prudent and highly qualified advisors on the issue. … (The map) is a serious error which must be sanctioned, since it can only be explained as an act of incompetence, distraction, negligence and lack of capacity and supervision, by the design department of the Social Development ministry." [2645]

January 3rd, Argentina issues its annual press release, recalling its version of the events of 1833.

> *"Today marks the 184th anniversary of the usurpation of the Malvinas Islands. On 3 January 1833, British forces evicted the lawfully established Argentine population and authorities from the Islands and replaced them with British subjects. The Argentine Republic immediately protested that illegitimate act of force, to which it never consented. Since its beginnings as an independent nation, the Argentine Republic has, through government acts, publicly expressed its political resolve to exercise its effective sovereignty over the southern territories and maritime areas which it inherited from Spain…."* [2646]

"In a letter dated 3 January 2017 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/71/743), the Permanent Representative transmitted a press release that stated that the permanent and unrenounceable objective of recovering the full exercise of sovereignty over those territories and maritime areas, in accordance with the principles of international law, while respecting the way of life of the inhabitants of the Malvinas Islands, was enshrined in the first transitional provision of the national Constitution and that this objective was a State policy and reflected the collective desire of the entire Argentine people." [2647]

2644 *BBC World* January 2, 2017
2645 Falklands veteran General Martin Balza, in *Mercopress* January 4, 2017
2646 *UN Doc A/71/743* Inaccurate. See 1829, 1832, 1833 & 1850
2647 *UN Doc A/AC.109/2017/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 28 March 2017*

January 6th, *MercoPress* reports:

> *"According to a report in the latest edition of Penguin News, MLAs Mike Summers and Phyl Rendell had attended meetings that week on South Atlantic issues, between the UK and Argentina, as part of the UK delegation lead by Sir Alan Duncan FCO Minister for Europe and the Americas. Penguin News had previously reported that delegations viewed the dialogue as having been constructive. At the Stanley press briefing the 'deliverables' were outlined as: DNA identification of Argentine war dead: The project plan was agreed and there would be a reconnaissance visit in January with samples collected in July/ August. Flights: The process was agreed and bids will be sought this month with a target date for October 2017 … It was noted that a midweek flight was required on a Wednesday with one stopover per month, each way, in Argentina. It would be the same as was currently undertaken in Rio Gallegos. It would be transit only with no immigration required. MLAs noted that a stopover point had not yet been decided and that it was up to the airline to decide how and where to operate. The Falkland Islands Government might support the arrangement for a couple of years, but it must be commercially viable said MLAs."*

January 13th, on the Antarctic Peninsula, speaking to reporters during a visit to Argentina's Carlini base, Foreign Minister Susana Malcorra says; *"We have not talked about it but we need an in depth discussion on the fisheries licensing, and its impact which is of great concern. We feel there is an opportunity for a cooperative scientific research (in the South Atlantic) which could be a strong step forward in the correct direction so that all sides involved take the necessary measures to protect what for us belongs to us."* [2648]

January 17th, in statements, the UK and Chile announce closer cooperation in Antarctica 2017 to 2022. [2649]

January 19th, the Falkland Islands Government sends a letter to the newly appointed UN Secretary-General in New York.

"As Chair of the Member of the Legislative Assembly, the Honorary Dr Barry Elsby MLA has written to His Excellency, Mr Antonio Guterres, to congratulate him on his appointment as the Secretary General of the United Nations. In his letter MLA Elsby raised the effectiveness of the Decolonization Committee (the C24). As a Non Self Governing Territory (NSGT) in the UN, the Falkland Islands dispute with Argentina is discussed by the Committee on an annual basis. The Falkland Islands Government has asked the Committee to visit the Islands on numerous occasions so that they can better understand the wishes of the people. Despite visiting Argentina they have consistently refused to visit the Falkland Islands. Mr Guterres's predecessor, Mr Ban Ki-moon, became so frustrated with the Committee that he publicly admonished them, reminding them that their role was to listen to the wishes of the people in NSGTs and not follow their own political agenda. In his letter, MLA Elsby asked Mr. Guterres to use his good offices to ensure that the C24 fulfilled its mandate and respect the right of Self-Determination as enshrined in the UN Charter." [2650]

January 30th, *Barbados Today* reports; "*The Falkland Islands, the British Overseas Territory in South America, is on a mission to improve trading links with the Caribbean, with a special interest in Barbados."* [2651]

2648 *MercoPress* January 14, 2017
2649 See - https://assets.publishing.service.gov.uk/media/5a81f8a9e5274a2e8ab56d0a/Chile_and_the_United_Kingdom_Statement_on_Antarctic_Cooperation_2017_2022.pdf
2650 *MercoPress* January 19, 2017
2651 *Caribbean Trade Law and Development* January 30, 2017.

"Falkland Islands lawmaker MLA Ian Hansen is on a Caribbean mission to improve trade and industry links with the region, and seeking political support for the Islands. The tour includes Barbados, Dominica and Guyana, according to Barbados TODAY news agency. "We don't have strong trade ties with Barbados at the moment but that's not to say that if the opportunity arises we would not have something. But at the moment it's a fairly slow process", said the member of the Falklands' Legislative Assembly." [2652]

February 2nd, in the Falkland Islands, a group from the International Red Cross (ICRC) arrive.

February 12th, *La Nacion* interviews British Ambassador Mark Kent; *"Referring directly to the open conflict with Argentina over the Falkland islands, Kent said that "when we talk about the future of the islands, we must recognize the islanders, their hopes, their lives." But he also touched on the more complex issue by pointing out: "We have many things that we can work on together apart from the issue of the sovereignty of the islands." ... "We have seen many changes in Argentina. of law, legal certainty and the fight against corruption. Now we are going to have a more open relationship with Argentina"."* [2653]

February 14th, in New York, Argentina's delegation speaks to the Commission on the Limits of the Continental Shelf (CLCS); *"Mr. Morităn noted that the partial revised submission was being submitted by his Government following the recommendations that had been adopted by the Commission on 11 March 2016, with regard to the submission made by Argentina on 21 April 2009. He noted that the partial revised Submission made by Argentina covered only* ***two points located in the North*** *not included in the recommendations approved by the Commission on 11 March 2016."* [2654]

February 17th, in Bonn, Germany, Britain's Foreign Secretary, Boris Johnson, and Argentina's Foreign Minister, Susana Malcorra, meet briefly on the periphery of a G20 ministerial summit. In a press release, Argentina's Foreign Ministry claims that Minister Malcorra raised the issue of the Falkland Islands; noting that "*very big differences*" separate the two sides. The UK's Foreign and Commonwealth Office makes no comment.

February 22nd, in New York, at the UN, Secretary-General António Guterres addresses the Special Committee at the opening of its 2017 session; *"We must unite our strengths to complete this historic task."*

"Following that address, the Special Committee held a secret ballot vote by which it elected Rafael Darío Ramírez Carreño (Venezuela) as Chair of its 2017 session. Out of 29 total ballots, including 1 abstention, Mr. Ramírez Carreño received 18 votes. The other candidate, Walton Alfonso Webson (Antigua and Barbuda), received 10 votes. "This body continues to be committed to seeking innovative solutions to fulfil its mandate", said Mr. Ramírez Carreño as he took his place at the podium. Recalling that the General Assembly annually reiterated its conviction of the need for the eradication of colonialism, he said that, nevertheless, that process remained incomplete. "My capacity as Chairman prevents me from remaining neutral in the eradication of colonialism", he said, adding that "we are, and will always be, in favour of the cause of self-determination". The Special Committee had always acted in strict compliance with General Assembly resolutions and the United Nations legal opinions, within the framework of respect, tolerance and adherence to its practices and working methods, including consensus in decision-making, unity, objectivity and non-divisiveness." [2655]

2652 *MercoPress* January 30, 2017

2653 See - https://www.lanacion.com.ar/politica/mark-kent-podemos-trabajar-en-muchos-temas-bilaterales-antes-de-hablar-de-la-soberania-de-las-islas-nid1983943/

2654 *Summary of Recommendations of the Commission on the Limits of the Continental Shelf in regard to the partial revised submission made by Argentina on 28 October 2016* . My emphasis. Approved March 17, 2020. See - https://www.un.org/depts/los/clcs_new/submissions_files/arg25_rev/20170317_ARGREV_SUMREC_COM.pdf

2655 UN Press release *GA/Col/3303* February 22, 2017.

On the same day, the UK renews its declaration recognising the jurisdiction of the International Court of Justice.

> *"1. The Government of the United Kingdom of Great Britain and Northern Ireland accepts as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 1 January 1987, with regards to situations or facts subsequent to the same date…"* [2656]

March 2nd, following press reports of British military aircraft flying from the Falklands to Brazil, Argentina's Foreign Ministry lodges a formal complaint with the Brazilian Government; claiming a breach of agreements.

"The Argentinian foreign ministry said in a statement it was "concerned" about six flights last year and 12 in 2015. The ministry said it had requested an explanation from Brazil's government, reminding it of that country's commitment "to not allow British airplanes or warships based in the disputed archipelagos". Brazil's foreign ministry had no immediate comment on the issue." [2657]

In Buenos Aires, Argentina's government hosts a meeting with relatives of unidentified casualties from the 1982 Falklands War.

"Identification of the bodies meant an extraordinary advance in humanitarian matters that would not have been possible with the previous pattern of diplomatic relations, the rapprochement raised by the government of Mauricio Macri was key for this purpose to be achieved." [2658]

March 12th, at the Falkland Islands, a group of human rights, social, religious and political leaders from Argentina, led by Nobel Prize winner Adolfo Pérez Esquivel, arrive with the purpose of highlighting the human rights abuses against conscripts during the 1982 war.

> *"We are going to try to ensure that all rights are respected. There are rights that the Argentine people also have over the islands, which are a colonial enclave,... We do not know what we are going to find. Let's see what room for dialogue we have..."* [2659]

> *"For me it is all about looking to rebuild a bridge between the habitants of the islands and us, as human beings, as peoples. After all we have shared roots."* [2660]

> *"We hope to be able to communicate with the islanders and for them to come visit the continent ... to see the possibility of healing wounds."* [2661]

"In an open letter published in the weekly Penguin News, the islanders warned that visitors would be welcome to learn about their culture and living conditions, but that they should not "overlook" their rights. "We take this opportunity to remind you of our fundamental right to self-determination, as enshrined in the UN Charter, and of the 35 years of attempts by the Government of Argentina to ignore our rights as a people and to undermine our way of life," the government wrote." [2662]

2656 This is repeated every decade or so with the date moving forward by the same period. A practice commenced in 1920 with the creation of the World Court. Argentina has not recognised the compulsory jurisdiction of the ICJ for any period.

2657 *The Guardian* March 2, 2017. All RAF flights arriving in Brazil involved humanitarian or emergency situations.

2658 Colubriale 2020

2659 Pérez Esquivel quoted in *El Pais* March 11, 2017 before the flight.

2660 Pérez Esquivel quoted in *Argentine Peace Laureate visits Falklands ahead of Troop ID* in *Voice of America* March 15, 2017.

2661 Pérez Esquivel quoted in *Argentina seeks better ties but Falklands claim remains* N. Misculin in *Reuters* March 17, 2017

2662 *El Pais* March 11, 2017

"A peace and love commission, supposedly of human rights defenders arrived in the Falklands calling the locals, "Malvinas inhabitants", ruled by a "colonial government"; underlining that Malvinas are Argentine; denouncing "militarization" of the Falklands and ignoring an invitation to attend a briefing from the Falklands' elected government on the Islands, its people, economy, human rights and their right to self determination under the UN charter." [2663]

March 16th, in the UK, the *Emergency Powers (Overseas Territories) Order 2017* comes into effect. [2664]

> *"5.—(1) If the Governor is satisfied that a state of public emergency has occurred, is occurring or is about to occur, the Governor may make a Proclamation of Emergency. …*
>
> *6.—(1) Where the Governor has made a Proclamation of Emergency under article 5(1) and the Governor is satisfied that the conditions in article 7 are met, the Governor may make Regulations for the purpose of preventing, controlling or mitigating an aspect or effect of the state of that public emergency. …*
>
> *12.—(1) The Constitution of the Falkland Islands, set out in the Schedule to the Falkland Islands Constitution Order 2008(7), is amended in section 22(4)(b) by substituting the words "Regulations made under the Emergency Powers (Overseas Territories) Order 2017" for the words "the provisions of Part II of the Emergency Powers Order in Council 1939".*"

March 20th, returning to Argentina, the Pérez Esquivel party are met by protestors claiming that they did not represent the veterans and accusing the group of 'politicizing' the issue of Red Cross identification. [2665]

March 28th, in New York, at the United Nations, the Decolonization Committee's Secretariat publishes its 2017 working paper on the Falkland Islands – detailing, *inter alia*, the Islands economic and social conditions, budget and current status. [2666]

> *"Consideration by the United Nations: In its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received."* [2667]

"In 2017, the United Kingdom continued to make clear to Argentina its position that, under international law, the continental shelf did not form part of Argentina;…" [2668]

On the same day, *MercoPress* reports:

> *"Argentine foreign minister Susana Malcorra has announced that Argentina has definitive international support for its defined continental shelf limits, with the exception of the Falklands/Malvinas, South Georgia, in dispute with the UK, and those covered by the Antarctic Treaty, which are not considered by the UN because of a sovereignty litigation or an international treaty.*

2663 *MercoPress* March 20, 2017

2664 Replacing legislation promulgated in 1939. See - https://www.legislation.gov.uk/uksi/2017/181/made

2665 *MercoPress* March 20, 2017

2666 *A/Ac.109/2017/6*. Following first publication, access to this document was restricted. A footnotes records that this report was "*Reissued for technical reasons on 1 May 2017*." The reasons were not divulged.

2667 Yet again, another year had passed without any member of the UN, including Argentina, calling for a debate before the General Assembly on the issue of the Falkland islands.

2668 *A/Ac.109/2017/6*.

Ms Malcorra said that Argentina had received a positive recommendation from the United Nations Commission on the Limits of the Continental Shelf (CLCS), accepting the demarcation of two additional points on the northern limits of the continental shelf. The points are between the 39th and 42nd parallels, south of the border with Uruguay and demarcating the waters of the River Plate. ...

However contrary to what was expressed a year ago when the original CLCS recommendation was made public and Argentina interpreted this as an additional 1.7 million square kilometres of sea shelf, this time Malcorra admitted that the extended maritime territory in effect recognized the exception of the Falklands, South Georgia areas because of the ongoing dispute with Great Britain. Likewise with the claims over areas covered by the Antarctic Treaty."

April 2nd, in the UK, British veterans gather at the National Memorial Arboretum in Staffordshire to mark the 35th anniversary of Argentina's invasion of the Falklands.

In Argentina, during a ceremony in Ushuaia, Minister of the Interior Rogelio Frigerio, repeats Argentina's claims to the archipelago. Argentina's Governor of Tierra del Fuego, Rosana Bertone, calls on the Islanders to join her Province; *"We are all 'fueguino citizens' and I call on the Islanders to integrate, based on respect for cultural diversity. We are and will be respectful of the culture and customs of everybody. But this plurality which characterizes Tierra del Fuego and Argentina as a nation can't question the territorial integrity since its legitimacy and legality are absolute truths..."* [2669]

"Governor Bertone argued that she was entitled to make the invitation since under the Argentine constitution she is the governor of Tierra del Fuego, South Atlantic Islands and Antarctica Territory." [2670]

April 24th, in the Falklands, at a public meeting, MLA Mike Summers confirms that the Legislative Assembly are considering the introduction of visas for Argentine citizens visiting the archipelago. [2671]

April 29th, Argentina's Foreign Ministry announces that 95 families have consented to the proposed DNA testing at the Argentine Military Cemetery in the Falklands; less than the 100% initially requested by the Red Cross (ICRC); *"The ministry said that the Families Commission had previously requested a double check of the list to offset some of the "falsified consents" apparently added by the government of Cristina Fernandez."* [2672]

May 3rd, in Buenos Aires, Minister Malcorra speaks out regarding the proposed visa system for the Falklands; *"Such a decision does not belong to the local government of the Malvinas Islands, but to the United Kingdom and I strongly doubt the UK is thinking on that. We're following the issue closely but I wouldn't give the matter a maximum concern."* [2673] From Stanley, MLA Mike Summers responds in a statement to the press; *"Visas are a matter for the Falkland Islands Government to determine."*

May 5th, in a letter addressed to the President of the United Nations Human Rights Council, Argentina complains that a listing on its website, referring to a report from the United Kingdom; *"... seeks to attribute the status of 'British overseas territory' to the Malvinas, presenting them as separate from Argentina and referring to them by their British name only."*

2669 Quoted in *Mercopress* April 3, 2017
2670 *Ibid.*
2671 *Penguin News* April 28, 2017
2672 *MercoPress* April 29, 2017. The ICRC eventually accepted that some families could not be contacted; or that there were no living relatives.
2673 *MercoPress* May 3, 2017

Argentina's representative refers to the administrative decision of 1960 and asks that the listing be corrected to include; "*a footnote and the dual naming convention set forth in the directive.*" [2674]

May 9th, in the UK, following a Freedom of Information request, the British Government announces that it has spent £16,604 on demining operations in the Falkland Islands.

May 17th, at Saint Vincent in the Grenadines, representatives attending a UN Special Committee Regional Seminar, are informed that the last declaration of independence from colonial rule was Timor-Leste in 2002.

> *"Without a drastic and thorough re-evaluation and restructuring of work of the Committee, without any diminution of its aims and ideals, this Third International Decade may simply morph into the fourth and fifth until the effort simply dies from neglect and inactivity..."* [2675]

"The Falkland Islands said that the reason why some Non Self Governing Territories were unresponsive to the Special Committee on Decolonization, or C24, was that the issues proposed were not attractive, and to be effective it must engage with these territories in a more effective manner, and with a much less colonialist attitude. Mike Summers, elected Member of the Falklands' Legislative Assembly recently attended a C24 sponsored regional seminar under the heading of "Implementation of the Third International Decade for the Eradication of Colonialism: the future for decolonization in the Non-Self-Governing Territories: what are the prospects?", which took place at Saint Vincent and the Grenadines in the Caribbean. The Caribbean regional seminar on decolonization was chaired by Rafael Dario Ramirez Carreño from Venezuela, who since December 2014 is the Chavista regime ambassador at the UN, ... MLA Summers supported his statement on C24 'non attractive or relevant issues' recalling that despite inviting the Special Committee for a mission to tour the Falkland Islands, as it had accepted and visited Argentina, "it had not even responded". "The Government of the United Kingdom had not objected, (to the visit), but the Government of Argentina had", underlined MLA Summers, adding that "the Special Committee had more of a colonial attitude than it cared to admit"." [2676]

May 29th, in Buenos Aires, a Red Cross (ICRC) team hold talks related to the Humanitarian Project Plan.

"... "Humanitarian action required the commitment of all parties, who had to put aside ideological and bureaucratic conflicts in order to identify the bodies", Virginia Urquizu, a member of the Argentine Forensic Anthropology Team (EAAF), recounted almost a decade later in an interview with Página 12. The organization – world-renowned for its work identifying victims of the military dictatorship – collected more than 370 samples in a database, which were sent to a laboratory to obtain a genetic profile. "Cardozo's report was extremely detailed and allowed progress in the preliminary forensic investigation", Urquizu says. The task was not easy. In addition to the financial difficulties of locating each family, there was fierce opposition from the Commission of Families of the Fallen in the Malvinas Islands. They feared that the humanitarian plan was, in essence, a pretext to remove the bodies from the islands, a situation that would generate "a festival of bones"." [2677]

2674 *UN Doc A/HRC/36/G/2: Letter dated 5 May 2017 from the Permanent Representative of Argentina to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council.* Reference to a UN decision to refer to the Islands as 'Falkland Islands (Malvinas)' in all languages except Spanish when 'Malvinas (Falkland Islands)' should be used. See November, 1960.

2675 Decolonization Committee '*expert*' Judith Bourne quoted in *UN Press Release GA/COL/3309 May 17, 2017*

2676 *MercoPress* May 25, 2017

2677 *Malvinas: los detalles del plan para concluir la identificacion de los soldados enterrados en las islas* in *Página 12* April 1, 2025

June 3rd, in the Falklands, the Red Cross arrive at Stanley.

June 10th, from Buenos Aires, following the publication of an official press release on its "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.", the Argentine Government calls upon the UK to resume sovereignty negotiations.

"On 10 June 1829, the Argentine Government issued a Decree creating the Political and Military Commandancy for the Malvinas Islands. This decree was signed by the Governor of the Province of Buenos Aires, Martín Rodríguez, and provided the following: "The Malvinas Islands and the islands adjacent to Cape Horn in the Atlantic Ocean shall be governed by a Political and Military Commander to be immediately appointed by the Government of the Republic". Since the beginning of its independence process, in 1810, Argentina, having inherited the Spanish territories in the south of the continent, including the Malvinas Islands and the other islands in the South Atlantic, exercised its rights continuously, proceeding to enact legislation and to establish legal and administrative bodies to consolidate the full exercise of its sovereignty. Within this framework, the Argentine Government promoted the development of trade, the settlement of population and the establishment of a seat of government in the Islands. This process was completed with the issuance of the Decree that we commemorate today, which created the Political and Military Commandancy for the Malvinas Islands to be headed by Luis Vernet, who moved to the islands and publicly exercised his authority and jurisdiction." [2678]

June 13th, in New York, at a UN Security Council meeting, the '*Maintenance of international peace and security: comprehensive approach to mine action and explosive hazard threat mitigation*', is considered. Following a statement by the UK's representative, Argentina exercises a right of reply.

"The Government of the Argentine Republic wishes to exercise its right of reply with regard to the statement made by the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland in relation to the Malvinas Islands on that occasion. In that regard, the Argentine Republic reiterates the particular situation of the Malvinas Islands, in accordance with the contents of the interpretative declaration it made at the time of its ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention) on 14 September 1999. To date, that declaration has not been amended, and it constitutes the main basis of the extension granted to Argentina for the destruction of anti-personnel mines in mined areas in accordance with article 5.1 of the Convention. The Malvinas Islands are the only part of Argentine territory that is affected by anti-personnel mines, but Argentina is prevented from gaining access to those mines in order to comply with its obligations under the Convention, given that the territory, together with the South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, is illegally occupied by the United Kingdom of Great Britain and Northern Ireland and is the subject of a sovereignty dispute." [2679]

June 14th, in the Falkland Islands, Liberation Day is celebrated by the Islanders on the 35th anniversary of Argentina's surrender in 1982.

June 19th, at Stanley, under the terms negotiated by the International Committee of the Red Cross, a team of fourteen specialists forms up for the work of identifying those remains in the Argentine Military Cemetery, which are recorded as; *"Known only to God."* [2680]

2678 *UN Doc A/71/930: Letter dated 9 June 2017 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

2679 *UN Doc S/2017/568: Letter dated 30 June 2017 from the Permanent Representative of Argentina to the United Nations addressed to the President of the Security Council*

2680 See March 2018

"... each body we recovered from each grave was taken to the morgue that the International Red Cross had established in Darwin. There, it was X-rayed and they began to search it for personal effects.: every pocket in the soldiers different layers of clothing was checked and items such as documents, cigarettes, and belongings were searched. A medical radiological and anthropological analysis of the body was carried out, and a genetic sample was taken. Once this process was complete, all the personal items were returned to the grave with the body in a new body bag, in a new coffin, and only items with a high identifying value were separated, such as documents, letters or rings with names." [2681]

"Between June 20 and August 7, 2017, a team of fourteen forensic specialists from Argentina, Australia, Chile, Spain, Mexico and the United Kingdom proceeded to exhume, analyze. Obtain samples and document each of the unidentified remains ..." [2682]

June 22nd, in New York, at the UN, the General Assembly adopt resolution *71/292* requesting that the ICJ consider two questions regarding the Chagos Islands and their separation from the British colony of Mauritius in the 1960s. [2683]

> *"The questions on which the advisory opinion of the Court has been requested are set forth in resolution 71/292 adopted by the General Assembly of the United Nations (hereinafter the "General Assembly") on 22 June 2017.*
>
> *By a letter dated 23 June 2017 and received in the Registry on 28 June 2017, the Secretary-General of the United Nations officially communicated to the Court the decision taken by the General Assembly to submit these questions for an advisory opinion...*
>
> *(a) 'Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967?';*
>
> *(b) 'What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?'."* [2684]

2681 Luis Fondebrider, Argentine anthropological expert, quoted in Santa Cruz 2022

2682 Padilla 2025

2683 *UN Doc A/Res/71/292: Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. cf.* 2019 below. Resolution here - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/181/95/PDF/N1718195.pdf?OpenElement

2684 Unable to get the UK to agree to go to the ICJ, Mauritius lobbied the UN General Assembly for a question to be put to the court. This provided an alternative route for Mauritius to have its claims heard, and a way which the UK could not prevent. In December, 2022, in Argentina, National Deputy Alberto Asseff, put forward a draft resolution in the Chamber of Deputies calling upon the government of Argentina to take the same approach to the ICJ with regard to the Falkland Islands; *"... so that this international judicial body can also issue a decision on the obligation to negotiate that both parties have in the controversy over the sovereignty of our Malvinas Islands, pursuant to the provisions of Resolution No. 2065 (XX) also of 1965".* This did not proceed, however.

June 23rd, the Special Committee on Decolonization meets to consider the question of the Falkland Islands. MLAs Mike Summers and Ian Hansen represent the Islands' people. Luis Gustavo Vernet, a great-great-grandson of Luis Vernet, petitions on behalf of Argentina. [2685] At the opening of the session, the Chair of the committee, Ramírez Carreño (Venezuela), makes an extraordinary statement.

> *"The Chair said that his country, the Bolivarian Republic of Venezuela, had strong ties with Argentina dating back to the independence movements led by Simón Bolívar and José de San Martín.*
>
> *The Argentine claim to sovereignty over the Malvinas Islands was supported by the overwhelming majority of members of the international community that were committed to upholding international law and strictly adhering to the purposes and principles of the Charter of the United Nations, including respect for the territorial integrity and political independence of States.*
>
> *The Committee would spare no effort to bring about a peaceful solution to the sovereignty dispute between the Argentine Republic and the United Kingdom over the Malvinas Islands."* [2686]

"... the C24, had abandoned their principles as laid down in the UN Charter, and had become an instrument for the imposition of colonialism, not for its abolition." [2687]

MLA Ian Hansen addresses the Committee; *"... he was a sixth-generation Falkland Islander whose ancestors had arrived some 175 years earlier. His name was of Swedish descent, and many other Scandinavians had also made the Falklands their home during that time. Therefore in no way could he be regarded as part of an implanted population sent from the United Kingdom, as the Government of Argentina often claimed. More than 3,400 people from over 60 countries lived and worked on the Falkland Islands, which had an inclusive and multicultural society."* [2688]

MLA Mike Summers also addresses the Committee; *"... his country was not a colony of the United Kingdom; instead, the Falkland Islands was a self-governing overseas territory of the United Kingdom that had expressed the clear wish to remain so in a free, open and internationally observed referendum. ... The Committee was stuck in an ideological time warp and needed to catch up to reality. Its sole task was to assist each Territory, not to bully them or ignore their views."* [2689]

"... the Government of the United Kingdom supports the statements made by two members of the Legislative Assembly of the Falkland Islands during the hearing of petitioners at the 8th meeting of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, on 23 June 2017. The speakers stated that: the Falkland Islands had an inclusive and multicultural society; environmental considerations were important throughout the Territory's decision-making process; the Territory, a self-governing overseas territory, received no financial aid from the United Kingdom, made its own laws and regulated its own industrial activities; the presence of British troops on the Islands was minimal and needed only for deterrence; its Constitution provided for the right to self-

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2685 *UN Doc A/AC.109/2017/SR.8.* See also *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018*

2686 *Ibid.* para.3. An amazingly biased statement for the supposedly independent Chair of a UN committee. The more-so as neither that committee, nor the United Nations itself, has any remit to resolve sovereignty disputes. Hardly surprising that the UK abandoned this particular sub-sub-committee in 1970 or that the Falkland Islanders view it with suspicion.

2687 Pascoe 2020 p.326

2688 *UN Doc A/AC.109/2017/SR.8* paras.6-9

2689 *Ibid*. paras. 10-14. After Mike Summers had finished speaking, the Chair of the Special Committee, Ramírez Carreño, rudely commented that it had been an "*exercise in diplomacy*" just to have listened.

determination and its realization in conformity with the Charter of the United Nations; the Territory had expressed the clear wish to remain so in a free, open and internationally observed referendum; and that the Special Committee was invited to visit the Falkland Islands to bear witness to the lives and wishes of its people." [2690]

As in previous years, a draft-resolution calling for the resumption of negotiations is introduced by Chile on behalf of a number of sponsors. [2691]

> *"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."*

As an observer, Argentine Foreign Minister Jorge Faurie speaks for his nation.

"At the 8th meeting, the Minister for Foreign Affairs and Worship of Argentina, Jorge Marcelo Faurie, also made a statement. He said that the Malvinas Islands had been an integral part of Argentine territory since the nation's creation and reiterated his Government's full willingness to resume negotiations with the United Kingdom as the only way to find a peaceful and definitive solution to the sovereignty dispute. He stated that self-determination did not apply to the inhabitants of the Malvinas Islands, who were not recognized as a people able to exercise that right under the relevant United Nations resolutions, and that decolonization and self-determination were not synonymous. He also stated that, over the previous year, the two Governments had opened a new chapter in their relationship and that, in September 2016, they had issued a joint communiqué expressing their intention to resume a dialogue, which had enabled them to progress in a number of areas of mutual interest. He stated that Argentina wished to maintain a broad agenda with the United Kingdom in order to address all issues and build consensus in different fields, while an open and clear dialogue must be maintained in order to work in an intensive and substantive manner towards resolving the question of the Malvinas Islands, South Georgia Islands and the South Sandwich Islands and the surrounding maritime areas. He expected that, as required by resolution 31/49, the United Kingdom would end its unilateral exploration and exploitation of renewable and non-renewable resources in the disputed area." [2692]

"Although a ritualistic yearly event where Faurie pleaded, as usual, to settle the dispute in a negotiation with the United Kingdom, Friday's presentation came within a context of rapprochement between Buenos Aires and London, which led to the signing of the joint statement late in 2016, ... It was a first for Faurie and a last appearance for Falkland Islands MLA Mike Summers, who is to retire by the end of the year." [2693]

Other speakers include the representatives of China, Cuba, Ecuador, Indonesia, Russia, Syria, Bolivia, Nicaragua and Venezuela. As every year, the draft-resolution is adopted by the *Special* Committee without a vote. [2694]

June 30th, at the end of the Falklands financial year; *"The Territory's financial year extends from 1 July to 30 June. According to the administering Power, the 2016/17 operating budget amounted to approximately £63 million. The Territory makes every effort to maintain a balanced budget strategy."* [2695]

2690 *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018*
2691 *UN Doc A/AC.109/2017/L.26* . Sponsored by Bolivia, Chile, Cuba, Ecuador, Nicaragua and Venezuela. Written by Argentina.
2692 *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018*
2693 *MercoPress* June 24, 2017
2694 *UN Doc A/AC.109/2017/L.26.* And in the full knowledge that the resolution, would not be recommended for adoption by the UN General Assembly. See below.
2695 *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018*

July 11th, at the UN, the Special Committee on Decolonization publishes its annual report. As with previous years, the report's list of recommendations does not include the Committee's own Falklands resolution. [2696]

July 13th, in Buenos Aires, a Civil and Commercial Court rules that telephone calls from Argentina to the British territory of the Falkland islands must be billed as 'domestic' calls, and not charged at international rates.

Photographs of the Red Cross exhumations at the Argentine Military Cemetery, leak onto Facebook.

In **August**, in Argentina, a contest promoted by the Ministry of Education is won by journalist Marcelo Costanzo, whose successful work proposes the establishment of a 24th province; breaking away the Falkland Islands, South Georgia, the South Sandwich islands and other sub-Antarctic Islands from the Province of Tierra del Fuego. Governor Rosana Bertone calls the proposal a "*legal outrage*."

"A few days ago, a group of journalists graduated from the University of La Plata presented, in the National Congress, a project whose objective is to promote the creation of province number 24, which they call Malvinas; whose islands, along with Isla de los Estados, Orcadas, South Sandwich, South Georgia and others, would make up its jurisdiction. Needless to say, this proposal, as childish as it is foolish, does nothing more than, through a curious abstraction, dismember the Province of Tierra del Fuego, Antarctica and the South Atlantic Islands, to affect a large part of its maritime and insular extension to the declared object to "generate an event that breaks the status quo and thus be able to hold the long-awaited dialogue table with the United Kingdom". It expands on the fundamentals, assuming that "at present, the governor of Tierra del Fuego cannot address the problem of the recovery of the archipelago", which if – according to his mentors – the governor of the province would 24 since it would have the unique function of getting up every morning thinking of finding an understanding with the English and various topics of interest that concern the South Atlantic: fishing, oil (etc),..." [2697]

August 7th, from the Falkland Islands, the Red Cross (ICRC) announces that its initial work at the Argentine Military Cemetery is complete.

> *"During seven weeks of intense work, which began on 20 June, a team of 14 specialists – from Argentina, Australia, Chile, Mexico, Spain and the United Kingdom – exhumed, analysed, sampled and documented the remains of each of the unidentified soldiers.*
>
> *The work was carried out in a high-tech temporary mortuary built on-site for the purposes of the operation. After careful analysis, each body was placed in a new coffin and reburied on the same day in the original grave. In the coming weeks the cemetery will be restored to its original state. ...*
>
> *The second and final batch of samples for genetic analysis will be delivered shortly to the laboratory of the Argentine Forensic Anthropology Team (Equipo Argentino de Antropología Forense, EAAF) in Córdoba. The samples taken from the families for cross-referencing purposes are also held there. Two other laboratories, one in the United Kingdom and one in Spain, will carry out quality control on the DNA analyses.*
>
> *The identification reports will be finalized by the end of the year and submitted to both governments. The Argentine authorities will contact the families who have requested the identification directly and confidentially to inform them of the results."*

2696 *UN Doc A/72/23: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017.* See - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/210/68/pdf/N1721068.pdf?OpenElement

2697 *Document from Lieutenant Governor Juan Carlos Arcando regarding the new province project* August 8, 2017

"After nearly two months of work, 122 bodies from 121 graves were exhumed, analyzed, and reburied. Bone and tooth samples were taken and sent for analysis to the EAAF's Forensic Genetics Laboratory in the province of Córdoba. Samples were also sent to a laboratory in Spain and another in London for quality control, but it was at the EAAF center where all the expert analysis was carried out." [2698]

In Argentina, on the same day, the Governor of the Province of Tierra del Fuego complains that the Macri administration in Buenos Aires is; *"... now talking to Britain without including the Falklands issue."* [2699]

August 13th, US Vice-President Mike Pence commences a 5-day visit to Argentina. During the visit, a discussion is commenced regarding the sale of an Austin-class amphibious transport dock – USS *Ponce*. [2700]

"Such a ship is an offensive weapon and could play a significant role as part of an invading force. It is more unfortunate that this is happening as we are about to lose HMS Ocean from service without a direct replacement, ..." [2701]

August 14th, from the UK, responding to a letter congratulating her recent re-election, Prime Minister Theresa May tells the Falkland Islanders that her Government wholeheartedly supports the Islanders' right to self-determination.

"In response to a letter of congratulation sent last month after her re-election, Prime Minister Theresa May responded to the Legislative Assembly earlier in the month. The Prime Minister reiterated the UK Government's strong and wholehearted support for our right to self-determination. She also reiterated her Government's commitment to consult with and involve Overseas Territories throughout the Brexit process. In addition, and in response to points raised in our letter of congratulation, the PM reaffirmed the UK Government's commitment to working with FIG on issues such as public diplomacy, access to banking services and future hydrocarbons development. Finally, the letter noted that the UK Government is seeking a more productive relationship with the Government of Argentina. However the Prime Minister stated that the UK-Argentina relationship will not fulfil its full potential until the Government of Argentina meets the public commitments it made in September 2016." [2702]

In the Falklands, on the same day, the Islanders celebrate Falklands Day marking the 425th anniversary of the first recorded sighting of the archipelago in 1592 by Capt. John Davis in the ship *Desire*. [2703]

August 17th, in Buenos Aires, Argentine Senate president Federico Pinedo calls for talks on sovereignty; *"The government of Mrs. Theresa May should comply with its share of the agreements and sit down to discuss all issues including the Malvinas question."* [2704]

September 6th, at a press conference in Buenos Aires, the Red Cross team of investigators announce they have unearthed 121 body remains rather than the 123 they they were expecting.

2698 Santa Cruz 2022

2699 Reported in *Sur54.com*.

2700 Commissioned in 1971, the USS *Ponce* had been in use as a an Afloat Forward Staging Base in the Persian Gulf and was due for decommissioning. Capable of carrying 900 troops, two air-cushion landing craft or a single LCU or 18 helicopters. The vessel was decommissioned in October, 2017 and scrapped in 2022.

2701 Lord West quoted in *The Daily Mail* September 3, 2017

2702 *Falkland Islands Government Press Statement* August 14, 2017

2703 See 1592

2704 *MercoPress* August 17, 2017

"We found 121 graves with a single body. We had received reports, most of which insisted on 123 bodies, but once we started the exhumation task in June by the end of August we had less. What happened? Frankly, I do not know" admitted Laurent Corbaz, head of the ICRC mission in the Falklands tasked with the identification of unmarked remains at the Darwin cemetery." [2705]

In Uruguay, on the same day, the Falkland Islands are represented at the Expo Prado in Montevideo.

"The Argentine embassy met with officials from the Uruguayan Rural Association, ARU, to express their disappointment since the Falkland Islands have a stand at the Great Britain pavilion in the Prado aggro-industry show in Montevideo, according to a report from Television Nacional, which belongs to the Uruguayan government media complex. The television report said that the Argentine representations in Uruguay consider the situation as "serious", and although there has been no formal complaint to the Uruguayan foreign ministry, they expect the ranchers' lobby, ARU, organizers of the show "to take action". The Great Britain pavilion has hosted the Falklands stand for the fourth year running, and this kind of complaints have become an annual event." [2706]

September 11th, *MercoPress* reports:

> *"The Argentine Senate has approved a bill establishing the Day of the Malvinas War Veteran and Fallen, which will be remembered every April 2nd in the Tierra del Fuego city of Puerto Argentino (Stanley, Falkland Islands), once sovereignty over the Islands is recovered.*
>
> *Until then the event will take place in the city of Ushuaia, capital of the Tierra del Fuego, Antarctica and South Atlantic Islands province.*
>
> *"The bill looks to reinforce through all possible concrete and symbolic means, our identity over the Malvinas Islands. It's a standing and peaceful task to maintain this perennial feeling. This is a great motivation for all 'fueguinos' (Tierra del Fuego) and all those from Patagonia", said one of the Argentine extreme south province three senators, Julio Catalan Magni who belongs to the Victory Front of ex president Cristina Fernandez."*
>
> *All across the Argentine territory every 2 April there are poignant ceremonies to honor Malvinas war Veterans and Fallen, and undoubtedly it is the Tierra del Fuego city of Puerto Argentino (Stanley) which concentrates the unmovable feeling of all the inhabitants of our motherland and thus once recovered sovereignty over our Islas Malvinas, it will be the irredeemable piece of our soil that will be the adequate frame to honor all our compatriots that have been fighting for them for 184 years".*"

September 12th, Nigel Phillips takes over as Governor of the Falkland Islands and Commissioner of South Georgia and the South Sandwich Islands.

September 11th, in Uruguay, the Falkland Islands are represented at the *Expo Prado* agricultural show in Montevideo promoting trade and tourism. Argentina objects. A Uruguayan Minister requests that the organisers withdraw the Falklands' exhibition while stressing that the matter is a "*private sector issue*". The organisers take no action against the Falklands' exhibit.

September 20th, in New York, Argentina's Vice-President addresses the United Nations.

2705 *MercoPress* September 6, 2017
2706 *MercoPress* September 9, 2017

"In addressing the General Assembly on 20 September 2017, the Vice -President of Argentina, Gabriela Michetti Illia, reiterated her Government's legitimate and inalienable right of sovereignty over the Malvinas Islands, South Georgia Islands and the South Sandwich Islands and the surrounding maritime areas and called upon the United Kingdom to renew bilateral negotiations to find a peaceful permanent solution, in accordance with the resolutions of the General Assembly and the Special Committee. Referring to a new phase in bilateral relations, she hoped for the creation of conditions in which both Governments could sit at the negotiating table with a view to resolving the protracted sovereignty dispute." [2707]

October 2nd, at the UN, the Fourth Committee commences its annual review of the work of the Special Committee on Decolonization. [2708] During the opening session, a number of speakers mention the Falkland Islands; in response to which the representative of the United Kingdom makes a statement.

"... her country was very clear about the sovereignty and right to self-determination of the Falkland Islands (Malvinas), South Georgia Islands, South Sandwich Islands and the surrounding maritime areas. There could, therefore, be no dialogue on sovereignty unless the people of the Falkland Islands so wished, she emphasized. They did not wish to have dialogue on sovereignty, which Argentina should respect, ..."

Argentina's representative responds; *"... a resolution of the situation would not result from a referendum manipulated by the United Kingdom."* [2709]

On the same day, Argentina writes to the United Nations to complain that the website of the UN Human Rights Commissioner has characterised the Falklands as a 'British Overseas territory' and to; *"... request that all necessary measures be taken to ensure the correct application of all versions of the United Nations Secretariat editorial directive ST/CS/SER.A/42 in order to reflect the existence of that dispute over sovereignty by means of the inclusion of the footnote and dual nomenclature established therein."* [2710]

October 10th, in New York, concluding its consideration of decolonization issues, the UN's Fourth Committee approves 19 draft resolutions for adoption by the General Assembly. For the 29th year, there is no Falklands resolution referred for adoption by the General Assembly. [2711]

October 27th, Argentina writes to the Secretary-General of the UN to complain about: *"... military exercises to be conducted by the United Kingdom of Great Britain and Northern Ireland in the area of the Malvinas Islands between 30 October and 3 November 2017, which will include the launch of Rapier missiles."* [2712]

November 9th, in the Falkland Islands, election day brings in a new Legislative Assembly.

"Of the eight members elected for a four-year term in that election, five represent the Territory's urban constituency (Stanley), where the majority of the population lives, and three represent the constituency outside the Territory's only town (Camp). There are no political parties and, therefore, all members are elected as independents." [2713]

2707 *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018*
2708 *UN Docs A/C.4/72/SR.2 SR.6 & SR.9*
2709 *GA/SPD/632 October 2, 2017.* A reference to the Falkland Islands referendum in 2013.
2710 *UN Doc A/HRC/36/G/12*
2711 UN Press release *GA/SPD/638 October 10, 2017.* The Special Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no significance unless adopted by the General Assembly. See 1989 & 1990
2712 *UN Doc A/72/599: Letter dated 27 October 2017 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*
2713 *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018*

November 25th, the UK reports that, regarding land mines in the Falklands; *"over 3,600,000* m² *of land had been cleared and over 2,500 mines destroyed."* [2714]

December 1st, from Geneva, the Red Cross (ICRC) deliver the results of their DNA tests to delegations from Argentina and the UK. 88 soldiers from the Argentine Military Cemetery near Darwin have been successfully identified, from remains found in 121 graves. The Falkland Islands Government issue a statement.

> *"Following the establishment of the Humanitarian Project Plan in December 2016, we note that the International Committee of the Red Cross (ICRC) has today reported the findings of its analysis into the identification of the remains of unidentified soldiers buried in the Falkland Islands. This work, which was undertaken at the Argentine cemetery, has been facilitated by the Falkland Islands Government, which has provided support throughout the process in order to ensure that the ICRC team were able to carry out their investigations in a timely manner."*

December 7th, in America, US Representatives Mario Diaz-Balart, George Holding and Derek Kilmer introduce a resolution into the 115th Congress (H. Res. 650) for the House Foreign Affairs Committee. [2715]

> *"Recognising the results of the free and fair elections for the new Members of the Legislative Assembly of the Falkland Islands held on November 9, 2017.*
>
> *Whereas the United States supports the principles of democratic processes across the world;*
>
> *Whereas the Falkland Islands referendum of March 2013 clearly set out the wishes of the Islanders, when 99.8 percent of those who voted chose to maintain their status as an Overseas Territory of the United Kingdom;*
>
> *Whereas the people of the Falkland Islands have the right to decide their own future as enshrined in the United Nations Charter and in Article One of the two United Nations Covenants on Human Rights, by which they freely determine their political status and pursue their economic, social, and cultural development free from intimidation and harassment;*
>
> *Whereas it is the obligation of countries to respect the legally binding principle of self-determination;*
>
> *Whereas the Falkland Islands' election on November 9, 2017, is an expression of that principle of self-determination; and*
>
> *Whereas the United Kingdom is a loyal ally that has stood by the United States for over a century: Now, therefore, be it Resolved, That the House of Representatives –*
>
> > *(1) welcomes the free, fair, and democratic elections of the Falkland Islands;*
> >
> > *(2) acknowledges that only the people of the Falkland Islands can determine the future of the Falkland Islands; and*
> >
> > *(3) recognizes the United Kingdom's sovereignty over the Falkland Islands for as long as the Islands desire to remain a self-governing Overseas Territory.*

2714 *Ibid.*
2715 This Bill got no further. See https://www.congress.gov/bill/115th-congress/house-resolution/650

In New York, on the same day at the United Nations, the General Assembly adopts a resolution (72/92).

> *"1. Reaffirms the right of the peoples of the Non-Self-Governing Territories to self-determination in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and with other relevant resolutions of the United Nations, as well as their right to the enjoyment of their natural resources and their right to dispose of those resources in their best interest;.."* [2716]

"Throughout 2017, the United Kingdom reiterated the need for the Government of Argentina to meet those commitments made in the joint communiqué of 13 September 2016, in which it had been agreed that appropriate measures would be taken to remove all obstacles limiting the economic growth and sustainable development of the Falkland Islands (Malvinas), including in trade, fishing, shipping and hydrocarbons. … (The UK) supported the right of the Islanders to develop their natural resources for their own economic benefit as an integral part of their right of self-determination; and rejected the applicability of the domestic legislation of Argentina to those companies engaged in the Islands' hydrocarbon activities." [2717]

Another UN General Assembly resolution (72/111)*:*

> *"4. Affirms its support once again for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence, in accordance with the* ***relevant*** *resolutions of the United Nations on decolonization."* [2718]

December 22nd, Britain's Prime Minister, Theresa May, sends a Christmas message to the Islanders.

> *"I want you to know that I will never allow anyone to compromise your right to self-determination – a right you freely expressed in the 2013 referendum; and a legacy for which so many paid the ultimate price. …*
>
> *I continue to believe there are non-sovereignty related areas where we can work together with Argentina for the benefit of all concerned. Whilst progress has been slower than anticipated, we will continue to work with Argentina to ensure delivery of all Joint Communiqué commitments, including the removal of restrictive measures against the Islands."*

2716 *UN Doc A/Res/72/92.*

2717 *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018*

2718 *UN Doc A/Res/72/111 Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.* My emphasis. The implication being that not all decolonization resolutions are relevant. In 2012, when the Secretary-General of the UN was asked about the UK being in breach of resolution 2065 (XX) he responded that he did not believe that any permanent member of the Security Council was in breach of any 'relevant' resolution. There are no exceptions to the rule that all the UN listed NSGTs have the right of self-determination, up to and including cession.

2018 – January 3rd, Argentina issues its annual press release commemorating the events of 1833.

> *"On 3 January 1833, the Malvinas Islands, which are an integral part of the Argentine national territory, were illegally occupied by military forces of the United Kingdom of Great Britain and Northern Ireland... On this day, the Argentine people and Government reaffirm once again the imprescriptible and inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas."* [2719]

"... the foreign ministry, .., released a statement reaffirming its imprescriptible and inalienable sovereignty rights over the South Atlantic archipelago. This is the 185th anniversary of the event." [2720]

"Argentina regularly relies on nullum tempus[2721] in maintaining that the Argentine title to the Falklands is "imprescriptible", i.e. that it has lasted since 1833 and has not been weakened by the passage of time or by events that have happened – or not happened – since then ... However, ... There are two possibilities: either (a) nullum tempus is valid in international law, or (b) it is not. If (a) is true, and nullum tempus is valid in international law, Argentina's claim would be no more imprescriptible than Britain's or Spain's, and both Spain and Britain would have much better claims than Argentina. Spain's claim would survive from 1767, and contains 44 years of occupation as against Argentina's 7 years, while Britain's claim under nullum tempus would be unbeatable – it would go back over a quarter of a millennium to 1765, and Britain can also show 7 years of occupation from 1766 (antedating Spain's claim) to 1774, plus over 186 years of continuous administration since 1834. Alternatively, if (b) is true, and nullum tempus is not valid in international law, then Argentina's claim is not imprescriptible and lapsed long ago." [2722]

Argentina shares the information provided by the Red Cross on December 1st, 2017 with the families concerned.

"The Government of Argentina indicated that as at January 2018, the reports were being shared with those families that had requested the identification. Both Governments agreed that the wishes of the families concerned were paramount. It is expected that members of the families of the identified soldiers will visit Darwin Cemetery in 2018." [2723]

January 21st, at Stanley, the Indian Naval Sailing Vessel (INSV) *Tarini*, sails into the port.

"The 56-foot vessel has covered over 15,000 nautical miles in its maiden voyage, which aims to circumnavigate the globe. Stanley is the third stopover for the yacht and its all-female crew – who are all officers of the Indian Navy – who will remain in the Falkland Islands until early February. ... Commodore Sameer Saxena, Naval Adviser at the High Commission of India, London, arrived in the Falkland Islands to meet the crew and congratulate them on their amazing achievement. "Indian shipbuilders and seafarers have a strong connection with the Falkland Islands and have been calling in here for over 165 years. From the HMS Trincomalee, built in Bombay in 1817, to the INSV Mhadei which visited Port Stanley in 2009, right the way through to the INSV Tarini, ships 'Made in India' have visited these shores in the most ecological way to travel–sailing. This expedition is a symbol of those enduring traditions, history and sustainability, as well as a demonstrating how Indian women are increasingly being empowered to achieve their full potential", said Commodore Sameer Saxena." [2724]

2719 *UN Doc A/72/698*
2720 *MercoPress* January 3, 2018
2721 *Nullum tempus occurit regi* = To the King, no time passes. A way of saying that a sovereign claim is eternal, unless voluntarily abandoned. *cf.* 1850
2722 Pascoe 2020 pp.221-222
2723 *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018*
2724 *MercoPress* January 24, 2018

January 24th, in the UK, Argentina's Ambassador, Carlos Sersale di Cerisano, addresses a conference at Kings College London.

"(He) had already deactivated the Malvinas Dialogue Support Group that had emerged in the United Kingdom through the efforts of former Argentine Ambassador Alicia Castro and removed a large map of the Falkland Islands that existed at the Argentine consulate in London." [2725]

January 31st, Tierra del Fuego's provincial legislature promulgates Law 1.154. This requires the singing of *Marcha de Malvinas* at the end of all public, institutional or military events organised within the Province. [2726]

February 8th, the Falkland Islands Government announce that the Goose Green settlement is now mine free.

"The de-mining clearance project has been undertaken by contractor DYNASAFE Bactec and has been progressing well since it started in 2009. Plans are for the work to continue to the end of the decade, when it is hoped to be complete. However, this date is not yet formally confirmed and will depend how on-the-ground work progresses. The UK Foreign & Commonwealth Office, who are funding the work as an obligation under the Ottawa Convention, had spent in excess of £16m on the project as at the end of the 2016/17 financial year. The process is currently in what is referred to as Phase 5a, which commenced in 2016 and will run until the Southern winter of 2018. Phase 5b will then commence during the summer of 2018 and run into 2020." [2727]

February 16th, Argentina and the UK announce that they are to contact third-party airlines regarding a second flight into the Falkland Islands.

February 26th, in New York, at the UN, the Decolonization Committee's Secretariat produces its annual working paper on the Falkland Islands. [2728]

> *"In its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present paper, no such notification by a Member State to the Assembly had been received."* [2729]

March 1st, at the Hague, an International Court of Justice hearing regarding the legality of the separation of the Chagos Islands from Mauritius in 1965, hears a presentation by Argentina's representative.

> *"It is a case of territorial dismemberment that involves principles of fundamental importance for the Argentine claim of sovereignty over the Malvinas Islands.*
>
> *The Argentine presentation ratifies the competence of the General Assembly of the United Nations in the matter of decolonization, as well as the principle of territorial integrity, as well as the* ***obligation to negotiate*** *and not to carry out unilateral acts contrary to the decolonization process.*
>
> *The elements contributed by Argentina, as well as by other countries interested in this topic, will serve to shape the opinion of the International Court of Justice, which, despite not being binding, has great political and legal weight."* [2730]

2725 *Presentacion: Departmento de Atlantico Sur* Carlos Delgado 2018
2726 *Usuaia Noticias* January 31, 2018
2727 *MercoPress* February 8, 2018
2728 *UN Doc A/AC.109/2019/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 26 February 2019*
2729 Another year had passed without any member State of the United Nations calling for a General Assembly debate.
2730 *Telam* March 2, 2018

"Naturally the obligation to negotiate does not in any way lessen the rights of the peoples of non self-governing territories – it does not give states the power to negotiate over the heads of those peoples and hand them over from one state to another." [2731]

March 9th, in London, at the Argentine Embassy, musician Roger Waters, ex-Colonel Geoffrey Cardozo and Argentine journalist Gaby Cociffi receive awards for their work towards the identification of unknown servicemen buried at the Argentine Military Cemetery at Fish Creek in the Falkland Islands.

"The ceremony was in recognition to the ten-year effort displayed by the four personalities in helping UK and Argentina governments agree on a humanitarian mission, entrusted to the International Red Cross which helped identify the remains of 90 of the 121 graves at the Darwin cemetery in the Falkland Islands, and which to this day have a black granite plaque that reads, "Argentine soldier, only known unto God", but on 26 March will be replaced by tombstones with the full name of the fallen combatants." [2732]

March 12th, in the Falklands, a public meeting in Port Stanley considers the proposed second flight.

"A lively exchange took place during the Falkland Islands March 12 public meeting in which the proposed second commercial flight to a third country with a stop in Argentina was considered. The public was particularly interested in knowing if any "red lines" had been established and wanted confirmation that one of the stop options was not to be Buenos Aires. Likewise there were concerns that a second flight could mean a massive presence of Argentine tourists, which was feared by the elderly people in the Islands. ... Questions were also asked about the level of information currently being provided to Argentine visitors on arrival and whether it might be possible to introduce some kind of quota by means of a visa system. During discussions about a second flight at Monday's public meeting, MLA Barry Elsby assured Dave Eynon that some movement on the lifting of sanctions imposed on the Falklands by Argentina as offered in the Joint Communiqué of September 2016, was a pre-requisite of any rapprochement between Britain and Argentina. Both MLA Elsby and MLA Barkman assured the meeting that some beneficial movement was taking place, though MLA Edwards said that he considered that up to now we were "hearing noises, but no action from Argentina"." [2733]

Later the same day, Argentine Professor of International Law, Marcelo Kohen, hosts a meeting in Stanley to propose a '*solution*' to the sovereignty dispute between the UK and Argentina concerning the islands.[2734]

Kohen's plan presupposes a handover of the archipelago, together with South Georgia and the South Sandwich Islands, to Argentina.

> *"a) The Argentine Republic (henceforth, "Argentina") reiterates its wish to **recover** the exercise of its sovereignty over the Falkland/Malvinas Islands, South Georgia and South Sandwich at a date to be agreed with the United Kingdom of Great Britain and Northern Ireland (henceforth, "United Kingdom")*
>
> *b) The United Kingdom declares that it will **restore** the exercise of sovereignty over the Falkland/Malvinas Islands, South Georgia and South Sandwich to Argentina, at a date to be agreed with the latter, subject to the conditions set out in the present agreement."* [2735]

2731 Pascoe 2020 p.335
2732 *MercoPress* March 12, 2018
2733 *MercoPress* March 20, 2018
2734 Attended by eight people, including two journalists and two Argentine tourists.
2735 My emphasis. "Restore"? Seriously? Proposal in full here - http://www.malvinas-falklands.net/proposal-to-settle-the-dispute/

"To get out of the "deadlock" in which the conflict finds itself today, Kohen proposes to start discussing a concrete proposal. And to do so, last week he traveled to the Malvinas Islands, rented the hall of the local Chamber of Commerce and put an ad in the local newspaper inviting the islanders to listen to his "Ideas to advance in the solution of the dispute over the Islands Falklands". The response was somewhat discouraging: only eight islanders attended, some of them very hostile. "One person told me I was evil, another told me I was the enemy and another left me an anonymous message at the hotel," he recalled with a laugh. ... But what is this first proposal for the solution of the Malvinas sovereignty conflict about? There are 20 points that Kohen summarizes in four words: ***Argentine sovereignty, island autonomy****. In a somewhat more detailed way, the constitution of a special province with its own customs, fiscal, migratory and monetary regime is foreseen, the co-participation of what is produced by the exploitation of the continental shelf and the exclusive economic zone, and, the most controversial measure , the possibility that the islanders can carry out a referendum after 30 years of validity of the system and acquire full sovereignty."* [2736]

March 14th, in New York, at the United Nations, the Decolonization Committee's Secretariat publish its 2018 working paper on the Falkland Islands

> *"Consideration by the United Nations: In its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received."* [2737]

March 15th, in Buenos Aires, Britain's Ambassador Mark Kent meets with Minister Jorge Faurie.

"(They) met "to discuss various issues of the bilateral relationship and current international issues." Among these, were the efforts on possible new flights and on fishing resources." [2738]

March 20th, Professor Kohen announces his proposals in Buenos Aires.

"This week, Kohen repeated his presentation in Buenos Aires, in a packed auditorium of the Argentine Council for International Relations (CARI). ... The proposal is aimed more at the islanders than at the United Kingdom, a paradox that Kohen acknowledges: "That's where we can go. The United Kingdom has said and repeated ad nauseam that it will do what the islanders want. We have to have a policy for the islanders"." [2739]

March 26th, in the Falkland Islands, some 247 relatives and officials arrive for a short visit to the Argentine Military Cemetery; to place names on previously unmarked graves.
Arriving in two chartered planes, the visitors are transported directly to the cemetery. Local British forces provide an Honour Guard and Piper. The Argentine parties fly out the same day.

"The Argentine Chancellery and the Secretariat of Human Rights and Cultural Pluralism of the Nation are pleased to have worked together, together with the Commission of Relatives of Fallen in the Falklands and South Atlantic Islands, the Argentine Forensic Anthropology Team and the British Embassy in Buenos Aires. Aires, and with the collaboration of

2736 *Un académico argentino presentó ante los kelpers una propuesta para solucionar el conflicto de Malvinas* Juan Robledo in *Infobae* March 22, 2018. Original emphasis.
2737 *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018.* Yet another year had passed without a single member State of the United Nations calling for a General Assembly debate on the subject of the Falkland islands.
2738 Daniel Filmus in *Malvinas: Una Cause Regional Justa* 2020 (CLACSO) p.27 citing Press Release *101/18*
2739 *Infobae* March 22, 2018

Corporación América, in the organization of the logistics aspects of the visit. The delegation, made up of 250 people, arrived very early in the archipelago and at all times received the collaboration of the inhabitants of the Islands, as well as the respect of members of the armed forces." [2740]

"With many of the families involved coming from the most northerly provinces of Argentina, the logistical challenge of bringing some 241 of them to the Falklands to visit the graves of their loved ones must have appeared ... great. That it happened and went off successfully last Monday has to be a source of pride for all the many individuals and organisations involved, both in Argentina and the Falkland Islands. ... a long convoy of buses and mini-buses left Stanley for Mount Pleasant at around 5am, rather than six, carrying a team of rather sleepy-eyed people recruited from across government and the private sector. Being in the main Spanish speakers, their function was to act as guides and helpers to the visitors, many of whom were in their eighties."[2741]

Between **March 26th** and **March 28th**, the Argentine Chess Federation secretly organise a tournament in Stanley. The results are sent to the World Chess Federation with the location given as Lafone House, Puerto Argentino, Malvinas Islands, Argentina. [2742]

April 2nd, in Olivos, Argentina, on Argentina's Day of the Veterans and Fallen in Malvinas, President Macri receives relatives of those killed in 1982. In Ushuaia, Interior Minister Rogelio Fregerio leads the ceremonies.

"On the 36th anniversary of the beginning of the 1982 South Atlantic conflict Argentine Interior minister Rogelio Frigerio called "for intelligent ways to advance in our legitimate claim of the Malvinas Islands' sovereignty". Frigerio was the main speaker at the central event of the 36th anniversary held this Monday in Ushuaia, Tierra del Fuego province, next to the Beagle channel. "This is the third consecutive year that I have the honor to be here on a 2nd April, recalling the recovery deed of what is legitimately ours, of what belongs to us Argentines by right, which is the sovereignty of Malvinas" said Frigerio during his speech at the Malvinas Plaza in Ushuaia, with Tierra del Fuego governor Rosana Bertone next to him. "Many of our heroes died defending that piece of motherland soil so that our flag could again fly. That is why Malvinas is so convoking" underlined the minister..." [2743]

April 13th, in the UK, *The Sun* newspaper reports:

> *"Boris Johnson has been accused of "betraying Britain" after foreign companies were picked for six new lucrative fishing licences. UK bidders ... ripped into the Government after being snubbed. Of the six contracts, four went to a Norwegian company, one to a New Zealand business and one to a Chilean vessel.*
>
> *Documents seen by The Sun reveal that Foreign Secretary ordered that one licence was kept for a Chilean-registered boat. The four-year contracts to fish Chilean sea bass or Patagonian tooth fish – said to be Prince Charles' favourite catch – are thought to be valued at more than £75 million. SG (South Georgia) Fisheries – one of the two British companies to miss out – is now weighing a judicial review, claiming the award was flawed on the basis of bias and legality.*

2740 Argentine Press Release *No.120/18* of March 27, 2018. As with other Argentine reports, this announcement minimised the part played by the Falkland Islands Government (FIG). Originally the Argentine delegation had announced that it would be travelling to the archipelago on March 15, 2018 for this ceremony, but this was vetoed by the FIG for logistical reasons and moved to the 26th. See December 1, 2017

2741 *MercoPress* March 30, 2018. An Argentine official accompanied the next-of-kin; Human Rights Secretary Claudio Avruj.

2742 Another pointless gesture. See June 2018 below.

2743 *MercoPress* April 3, 2018

While the contracts were awarded by the Government of South Georgia and South Sandwich Islands, they took their ultimate decision after advice from the Foreign Office. The Foreign Office has told MPs that some of the contracts have gone to vessels with a 'British flag'. But SG Fisheries claim this doesn't mean profits or tax flow back to the UK."

"Foreign Secretary Boris Johnson was accused of betraying by handing lucrative licenses in the South Atlantic to foreign firms. The row erupted after it emerged that £75million worth of licenses in the South Atlantic have been handed to firms from Norway, Chile and New Zealand, according to reports in the UK media. Applications from two companies based in the Falkland Islands, South Georgia Fisheries and Fortuna Ltd, were rejected. The decision has angered the firms which operate in the Falkland Islands and critics say it makes a mockery of the Foreign Secretary's pledge to take back control of British waters by leaving the EU."[2744]

April 23rd, in Buenos Aires, ex diplomat Jorge Lidio Viñuela, proposes that Argentina set up a "Commercial & Cultural" office in Stanley; "*... with the purpose of, besides promoting trade, encouraging closer people-to-people relations in fields such as culture, sports, academia and inviting opinion makers from the Falklands to Argentina.*" [2745]

May 9th, in Grenada, a three-day *Pacific Regional Seminar on Decolonization* commences. Organised by the United Nation's Special Committee on Decolonization, with the theme - "*Implementation of the Third International Decade for the Eradication of Colonialism: towards the achievement of the Sustainable Development Goals in the Non-Self-Governing Territories: social, economic and environmental challenges."*

From New York, UN Secretary-General, António Guterre, sends a message to the Seminar.

"Decolonization is still incomplete. What we need today to accomplish this monumental task is political will, creative thinking and action in partnership."

Argentina's representative responds that; *"... the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas remained the subject of an illegal occupation as a result of an act of force perpetuated by the United Kingdom."* [2746]

Falklands MLA Roger Edwards addresses the Seminar.

" We would be delighted to have a normal, friendly relationship with all our neighbors, to freely trade with, work with and discuss things of mutual benefit … instead, we are not recognized or accepted as a people in our own right..."

"The Falklands' people's right to determine their own future was unequivocal, as demonstrated in the March 2013 referendum. ".., but unfortunately, Argentina refuses to accept and recognize the result of that referendum", emphasized MLA Edwards." [2747]

"He pointed out that the Falkland Islands (Malvinas) were now self-financing and had been so since the late 1980s, adding that they did not receive economic aid nor pay any taxes or levies to the United Kingdom. Britain had never relinquished its sovereignty claim and the islanders had freely demonstrated their wish to remain British. "We would be delighted to have a normal, friendly relationship with all our neighbours, to freely trade with, work with and discuss things of mutual benefit," he emphasized. "Instead, we are not recognized or accepted as a people in our own right."..." [2748]

2744 *MercoPress* April 14, 2018
2745 *MercoPress* April 24, 2018
2746 UN Press Release *GA/COL/3319* May 9, 2018
2747 *MercoPress* May 16, 2018
2748 *UN Press Release May 9, 2018*

After seven years work, South Georgia is declared 'rat free'.

May 11th, in Argentina, Prosecutor Marcelo Rapoport requests the arrest of twenty-six ex-military personnel concerning acts of torture against conscript soldiers on the Falkland Islands during the war of 1982. [2749]

May 14th, in Buenos Aires, a delegation from the Falkland Islands meet with representatives of the Argentine Government to consider a return to exchanging information with regard to fish stocks. [2750]

> *"Following two days of fisheries talks in Buenos Aires this week progress has been made in resuming the exchange of scientific data for the benefit of the South Atlantic region. The purpose of sharing information on fish and squid stocks is primarily to help ensure the sustainability of fisheries in South Atlantic waters, but may also have additional conservation benefits in the future."* [2751]

"The Falkland Islands has been positive about the outcome of the first round of fishery talks (May 14/15) referred to the South Atlantic, between Argentina and the United Kingdom. The talks in Buenos Aires, with Falklands representatives included in the UK delegation, emphasized on the exchange of scientific information and conservation of shared fishery resources in the South West Atlantic." [2752]

"Under the formula on sovereignty contained in paragraph 2 of the joint declaration issued in Madrid on 19 October 1989, and following the joint communiqué of 13 September 2016, the Scientific Subcommittee of the South Atlantic Fisheries Commission met in Buenos Aires in May 2018..." [2753]

At the same time, also in Buenos Aires, a *Memorandum of Understanding* is signed regarding Antarctic Scientific Cooperation between the Instituto Antártico Argentina (IAA) and the British Antarctic Survey (BAS). Overseen by British Ambassador to Argentina, Mark Kent.

"The document, signed by BAS Director Jane Francis and IAA Director Rodolfo Sánchez, states that both organisations will "look for opportunities to cooperate, including through seeking to optimise the human and material resources of both institutions, on Antarctic science and technology initiatives of mutual interest"... The signing of the memorandum took place in the framework of the 41st Antarctic Treaty Consultative Meeting..." [2754]

2749 According to the xAI - "*In May 2018, Argentine Federal Prosecutor Marcelo Rapoport requested the arrest of 26 former military officers and non-commissioned officers for allegedly torturing conscript soldiers during the 1982 Falklands War, specifically citing 22 cases of abuse by the Yapeyú Task Force of the Fifth Infantry Regiment on West Falkland. These acts, including staking and burying soldiers to curb indiscipline due to food and clothing shortages, were pursued as crimes against humanity, which are not subject to statutes of limitations under international law. The case, initiated in 2007 by Pablo Vassel and bolstered by declassified military documents in 2015, involved over 120 former soldiers' testimonies and targeted around 95 suspects by 2018. As of the latest available information, up to 2025, no convictions have been reported for these specific 26 individuals in the case led by Rapoport. Despite significant progress in the investigation, including the addition of charges in 2022 for sexual harassment and anti-Semitic abuse, the judicial process has been slow. By 2022, only four of approximately 100 charged officers were prosecuted and awaiting hearings, with no final convictions noted. The case faced setbacks, notably in 2015, when Argentina's Supreme Court ruled that the statute of limitations applied to a related torture case, as the abuses were not classified as crimes against humanity at the time, halting prosecutions. Veterans have since appealed to the Inter-American Commission on Human Rights to have these acts recognized as human rights crimes, which would bypass time limits, but no resolution or convictions have been documented by May 2025."*

2750 A joint working group had been established in 1990 to exchange information aimed at the preservation of fish stock in the South Atlantic. The group met until 2005 when the Argentine government made clear that they no longer wished to collaborate, blaming a change to long-term fishing licences introduced by the Falklands government that year. See 2006

2751 Falkland Islands Government Press Release May 16, 2018

2752 *MercoPress* May 16, 2018

2753 *UN Doc A/AC.109/2018/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 14 March 2018.*

2754 BAS website May 16, 2018

May 20th, in Argentina, Britain's Foreign Secretary, Boris Johnson, arrives for a three day visit to attend a G20 Foreign Ministers meeting. Johnson lays a wreath at the Cenotaph in Buenos Aires.

"Speaking on arrival in Argentina Foreign Secretary Boris Johnson said: "The relationship between the UK and Argentina has come a long way over the past few years and this visit will be an opportunity to build on and enhance ever closer co-operation on trade, investment, cultural ties, tackling corruption and organised crime, and increasing links in science and technology. As the UK leaves the European Union, my message is that the UK is open for business. I look forward to a new chapter in our relationship, and booming trade prospects, after the UK leaves the European Union." In the first visit by a British Foreign Secretary to Argentina in 22 years, Mr Johnson joined Foreign Minister Faurie, Defence Minister Agaud and Security Minister Bullrich at a ceremony at the 'Monument to the Fallen'. Mr Johnson laid a wreath in honour of those who died on both sides of the 1982 Falkland Islands conflict." [2755]

May 23rd, in the UK, the *Sanctions and Anti-Money Laundering Act 2018* is promulgated.

*"**As a matter of constitutional law, the UK Parliament has unlimited power to legislate for the Territories** . However, passing legislation for the Territories is rare. The most recent example was that in 2018 when the requirement to maintain registers of beneficial ownership was extended to the (Overseas) Territories. The UK Government acknowledged the "ill-feeling" created over what many OTs felt was an "overreach" by the UK Parliament. Many Territories called for strengthened protections from such moves in the future."* [2756]

June 1st, *MercoPress* reports:

> *"Alejandro Jacobo Betts, Argentine citizen, born as Alexander Jacob Betts in the Falkland Islands, where he lived with a family until the end of the 1982 conflict, has been delisted from the Argentine delegation to this year's United Nations Decolonization Committee or C24 meeting scheduled for this month in New York.*
>
> *According to Buenos Aires media reports, Betts, once considered a "hero", has been attending the UN meeting in New York for most of the last 35 years as a Malvinas petitioner and part of the Argentine delegation, pressing for Argentine sovereignty over the Islands. Allegedly he was not included on this occasion since he is considered "too aggressive" for the British delegation and Falklands petitioners to the UN C24 meeting.*
>
> *In interviews with Argentine media Betts considers himself an expert in international law and history, and has not only attended decolonization meetings in New York but also similar forums in Anguilla, Nicaragua, Fiji, Santa Lucia among other places where "there is a clear support for Argentina's position on the Malvinas dispute". A controversial figure even in Argentina, where he tried unsuccessfully to be elected as member of the Mercosur parliament, he has repeatedly stated that "with patience we will knock out obstacles, reverting a temporal situation of illegitimate occupation by a colonial power, until we finally reach the goal of recovering the Malvinas Islands for our country".*

June 4th, Argentina's Human Rights Secretary announces that the Red Cross investigation has now accounted for 92 of the 'unknown' remains at the Argentine Military cemetery near Fish Creek.

2755 Official Press Release from the from the UK Foreign and Commonwealth Office.
2756 Loft 2024

June 21st, at the United Nations, the Special Committee meets to consider the question of the Falkland Islands.

"At the 8th meeting, the Special Committee acceded to the requests of the delegations of Algeria, Argentina, Bangladesh, Belize, Brazil, Colombia, Costa Rica, the Dominican Republic, El Salvador, Gabon, Guinea, Honduras, Lebanon, Liberia, Mexico, Morocco, Mozambique, Namibia, Paraguay, Peru, Saudi Arabia, South Africa, Spain, Turkey, Uganda, Uruguay and Zimbabwe to participate in the Committee's consideration of the item. ... in line with the usual practice, the Special Committee heard the statements of Ian Hansen and Roger Edwards of the Legislative Assembly of the Falkland Islands (Malvinas), as well as those of Luis Gustavo Vernet and Ricardo Ancel Patterson." [2757]

Falklands MLA Ian Hansen addresses the committee; *"Mr. Hansen (Legislative Assembly of the Falkland Islands) said that he was a seventh-generation Falkland Islander whose ancestors had arrived some 175 years earlier. His name was of Scandinavian origin, and many other Scandinavians had also made the Falklands their home over many years. It was impossible to comprehend how the inhabitants of the Falklands could be referred to as an implanted population sent from the United Kingdom. More than 3,500 people from over 60 countries lived and worked on the Falkland Islands, which had an inclusive and multicultural society. The Argentine claim to the Islands was unfounded and unwelcome ... The Territory was a country, not a colony. It received no direct financial aid from the United Kingdom apart from defence, itself a necessity only because Argentina maintained its unfounded claim over the Islands. Assertions that Falkland Islanders were not a people amounted to a position contrived to deny them the right to self-determination."* [2758]

MLA Edwards also speaks; *"... the Falkland Islanders met all the requirements for self-determination set out in the Charter of the United Nations and the terms for delisting under the fourth option set out in General Assembly resolution 2625 (XXV). Over 185 years, the inhabitants of the Islands had grown politically, economically and culturally into a people in their own right. There was no truth to claims that the population of the Falkland Islands had been implanted by the administering Power to further its colonial aspirations and that Argentine settlers had been expelled militarily. The territorial integrity of Argentina was not being breached, and the South West Atlantic was not being militarized. The Argentine claim to the Falkland Islands had not been continuous but had instead been based on Spanish succession, which the United Kingdom had never accepted. Subsequent Argentine leaders had accepted that the claim had been effectively ended by treaty in 1850. No one could accuse Falkland Islanders, a diverse cultural mix comprising some 60 nationalities, of being an implanted population. "* [2759]

"In their usual two pronged approach, representatives of the Falkland Islands Government have once again presented the Falklands political case at the United Nations in New York. ... In essence the Falklands attends in order to refute the claims made in presentations given by the Argentine delegation." [2760]

Luis Gustavo Vernet, a petitioner for Argentina, tells the committee that Argentina inherited the Falkland islands from Spain in 1810. Argentina then allowed his great-great-grandfather, Luis Vernet, to settle in the Islands in 1823; land having been granted in 1822. [2761]

Ricardo Patterson tells the committee; *"... that Argentina had maintained a firm position on the Malvinas Islands since 1833, continuously affirming its sovereignty over the Islands and rejecting the British occupation.*

2757 *UN Doc A/AC.109/2019/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 26 February 2019*
2758 *UN Doc A/Ac.109/2018/SR.8*
2759 *Ibid.*
2760 *Penguin News Friday June 22, 2018 p.1*
2761 *UN Doc A/Ac.109/2018/SR.8.* Inaccurate. In 1823 Jorge Pacheco, received a *usufruct* (licence) to hunt wild cattle. An undefined land grant was given to Pacheco, but not to Luis Vernet, who was Pacheco's business partner. That licence was sub-contracted to an Englishman, but the venture failed. *cf.* 1823, 1824 1826 & 1828

Nevertheless, it had never prevented inhabitants of the Islands from integrating into mainland Argentine society. While Argentina had made visible efforts to comply with General Assembly resolution 2065 (XX), the United Kingdom, which had periodically changed the justification behind its claim to sovereignty, had not. The Argentine Government and people had maintained their tradition of respecting the lifestyle, culture and values of all their territory's inhabitants. However, the United Kingdom had refused to resume dialogue on the issue of sovereignty, thereby hindering the implementation of the relevant United Nations resolutions." [2762]

Chile, on behalf of Bolivia, Cuba Ecuador and Nicaragua, introduces the annual draft-resolution. [2763]

> *"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."*

Speaking as an observer, Argentina's Foreign Minister addresses the Special Committee; *"Argentine sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas had solid historical and legal underpinnings, and the passage of time had not diminished the validity of his country's claim or diluted its conviction that the sovereignty dispute must be resolved peacefully through bilateral negotiations with the United Kingdom. ... The question of the Malvinas Islands was a special and particular colonial situation given the underlying sovereignty dispute, acknowledged in General Assembly resolution 2065 (XX). ... The application of the principle of self-determination required the existence of a people subjected to foreign domination. That principle therefore did not apply to the inhabitants of the Malvinas Islands, who had not been subjected to foreign colonial domination. Giving the Islands' inhabitants the right to decide the status of the territory in which they lived would contravene the letter and the spirit of General Assembly resolution 1514 (XV), as well as international law on decolonization. Decolonization and self-determination were not synonymous."* [2764]

As in previous years, the draft resolution is adopted without a vote. [2765]

In Russia, during the 2018 World Cup football competitions hosted by that nation, Argentine flags bearing an image of the Falkland Islands are banned from stadiums as they are deemed to carry a '*political message*.' [2766]

June 29th, in New York, speaking in the UN Security Council on the *'Maintenance of international peace and security: Mine action'* debate, the UK's representative says; *"The United Kingdom will continue to uphold its own commitments under the Convention. We are working to clear landmines in the Falkland Islands, the only part of our territory that is contaminated with landmines."* [2767]

"On instructions from my Government, I have the honour to refer to the item "Maintenance of international peace and security: mine action" which was considered by the Security Council at its 8304th meeting on Friday, 29 June 2018. The Government of the Argentine Republic wishes to exercise its right of reply with regard to the statement made by the representative of the United Kingdom of Great Britain and Northern Ireland in relation to the Malvinas Islands on that occasion. In this regard, the Argentine Republic reiterates the particular situation of the Malvinas Islands, in accordance with the content of the interpretative

2762 *UN Doc A/Ac.109/2018/SR.8.*
2763 *UN Doc A/Ac.109/2018/L.8*
2764 *UN Doc A/Ac.109/2018/SR.8.*
2765 And in the knowledge that it would not be recommended for adoption by the UN General Assembly.
2766 *Clarin* June 26, 2018
2767 *UN Doc S/PV.8304: Security Council Seventy-third year 8304th meeting Friday, 29 June 2018, 3.10 p.m*

declaration that it made at the time of its ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention) on 14 September 1999. To date, that declaration has not been amended, and it constitutes the main basis of the extension granted to Argentina for the destruction of anti-personnel mines in mined areas in accordance with article 5.1 of the Convention. The Malvinas Islands are the only part of Argentine territory that is affected by anti-personnel mines, but Argentina is prevented from gaining access to those mines in order to comply with its obligations under the Convention, given that the territory, together with the South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, is illegally occupied by the United Kingdom of Great Britain and Northern Ireland and is the subject of a sovereignty dispute." [2768]

June 30th, at the end of the Falklands financial year:

"Its total budget for 2018/19 is £118.4 million with an operating budget of approximately £71.7 million, which, according to the administering Power, is raised entirely from the fiscal resources (taxation and resource rents) of the Territory. The Territory makes every effort to maintain a balanced budget strategy and upholds the fiscal aim of no public sector borrowing for operating purposes." [2769]

July 5th, the Red Cross confirm that they have identified a 93rd soldier at the Argentine Military Cemetery.

July 11th, at the UN, the Special Committee publishes its annual report. As with previous years, the report's list of recommendations does not include the Committee's own Falklands resolution. [2770]

July 20th, in London, the Parliamentary Foreign Affairs Committee launches an inquiry into Britain's Overseas Territories.[2771]

> *"In oral evidence, former Governor of Bermuda George Fergusson (said) that the UK's relationships with the OTs are "almost fated to be difficult" and that "there will always be a degree of confusion and pushing and pulling" between the UK and the OTs. … Some want more autonomy from the UK; some to be closer to the UK; others are happy with the status quo. … Falkland Islands' Assembly Member Teslyn Barkman told us that "the Falkland Islands have repeatedly demonstrated that we are a reliable, responsible and valued member of the UK family" but, she said, this partnership is not reflected in the way they interact with the Government. "Rather than being seen as partners," she said, "we are in some ways more managed by officials in the FCO." Ms Barkman concluded that "the relationship that the Falkland Islands wants to see is one that gives us greater ministerial contact." …*
>
> *The Turks and Caicos Premier, Sharlene Cartwright-Robinson, said that she wants "to see the involvement of UK Overseas Territories in the selection of Governors," while Anguilla's Chief Minister, Victor Banks, said that he wants to see candidates for these roles to be chosen "from a wider base of skills and experience, beyond that of the UK civil service."…"*

2768 *UN Doc S/2018/671: Letter dated 5 July 2018 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the President of the Security Council*

2769 *UN Doc A/AC.109/2019/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 26 February 2019*

2770 *UN Doc A/73/23: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2018.*. See https://digitallibrary.un.org/record/1642023?ln=en

2771 Published February 21, 2019. See below. One of the questions being considered was the relationship between the OTs and the Foreign Office, and whether that ministry should continue as 'lead department' for the Ots. For the written evidence from the Falkland Islands, see - https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/the-future-of-the-uk-overseas-territories/written/90462.html

"In December 2023, UK and Territory governments published a joint declaration, entitled 'A Modern Partnership for a Strong British Family'. The declaration included a commitment to consult with Territory government when UK legislation will directly impact a Territory." [2772]

July 23rd, in Buenos Aires, Britain's Chancellor, Phillip Hammond, attending a G20 Ministers meeting, tells the local press that only the Falkland Islanders have the right to determine their own future. [2773]

> *"The UK Government position is unchanged: only the Falkland Islanders have the right to determine their own political and economic future. However, as noted in the Joint Statement of September 2016, there are a number of non-sovereignty related issues in the South Atlantic, such as humanitarian cooperation, joint fisheries work and improving connectivity with the continent, where closer cooperation is of clear benefit to both Argentina and the Islanders. Both the UK and Argentine Governments are committed to continue with the good work to date on these issues."*

August 10th, Argentina confirms that the Red Cross (ICRC) have identified three more bodies in the Military Cemetery in the Falkland Islands.

August 17th, another body in the Argentine Military Cemetery, is reported as identified by the Red Cross (ICRC).

September 5th, in Uruguay, the Falkland Islands are represented at the *Expo Prado* agricultural show in Montevideo. [2774]

The International Court of Justice hears oral statements from 22 nations regarding the Chagos case. Argentine representatives argue for Mauritius based upon operative paragraph 6 of UN GA resolution 1514 of 1960. [2775]

> *"In paragraph 6, the… context demonstrates that what was at the core of Resolution 1514 (XV) was the end of colonialism in all its forms. In some cases, the victim of colonialism through the disruption of territorial integrity can be a State, but yet in many others they are "colonial countries and peoples".*
>
> *Indeed, the entire object and purpose of the resolution was to put an end to all grievances originated by the persistence of colonialism…"* [2776]

"That last sentence enshrines Argentina's erroneous view that Britain's possession of the Falklands gives Argentina a "grievance originated by the persistence of colonialism". ... The drafting history of paragraph 6 of Resolution 1514 shows that its purpose was not to redress grievances by one state against another dating back to the distant past, and that it did not dilute the applicability of self-determination to all non-self-governing territories." [2777]

September 20th, in Uruguay, a group of Argentine ex-combatants demonstrate outside the *Expo Prado* where the Falkland islanders have a stand promoting tourism. [2778]

2772 *Representing the Overseas Territories in the UK Parliament and Government* Philip Loft August 2024 House of Commons Library Research Briefing. See - https://www.gov.uk/government/publications/uk-overseas-territories-joint-declaration-a-modern-partnership-for-a-stronger-british-family/joint-declaration-of-governments-of-the-united-kingdom-and-british-overseas-territories-a-modern-partnership-for-a-stronger-british-family

2773 *MercoPress* July 23, 2018

2774 Invited back, despite the Argentine protests in 2017.

2775 Mario Oyarzábal, legal adviser to the Argentine foreign ministry, and Professor Marcelo Kohen.

2776 Article 6 of UN resolution 1514 of 1960 states; "*Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.*"

2777 Pascoe 2020 p.334.

2778 On this occasion, the veteran's main complaint was that the Argentine Government, unlike the previous year, had not protested to Uruguay.

September 25th, in New York, speaking at the opening of a new session of the United Nation's General Assembly, Argentina's President Macri reasserts his country's claims to the Falkland Islands.

"In addressing the General Assembly on 25 September 2018, the President of Argentina, Mauricio Macri, stated that his country maintained a strategic vision for the South Atlantic, whereby they sought to peacefully develop an active policy on resources, the environment and science, which included the question of the Malvinas Islands. He reaffirmed the legitimate and imprescriptible sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and reaffirmed the commitment of his Government to the new phase in relations with the United Kingdom based on building mutual trust and a broad and positive dialogue." [2779]

October 1st, at the Hague, the International Court of Justice announces its judgment in a case entitled *Obligation to Negotiate Access to the Pacific Ocean*, between Bolivia and Chile. A dispute regarding the sovereignty of territory seized from Bolivia in the War of the Pacific (1879 - 1883).

Bolivia argues that Chile has an obligation under international law to negotiate. [2780]

> *"175. In light of the historical and factual background above (see paragraphs 26-83), the Court observes that Bolivia and Chile have a long history of dialogue, exchanges and negotiations aimed at identifying an appropriate solution to the landlocked situation of Bolivia following the War of the Pacific and the 1904 Peace Treaty. The Court is however unable to conclude, on the basis of the material submitted to it, that Chile has "the obligation to negotiate with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean" (Bolivia's submissions, see paragraphs 13, 14 and 15 above). Accordingly, the Court cannot accept the other final submissions presented by Bolivia, which are premised on the existence of such an obligation (ibid.).*"

In the UK, on the same day, a report in Britain's *Daily Express* newspaper claims that Argentina has held military exercises in August; practising for an invasion of the Falklands archipelago.

> *"Operation Maipu, staged in August, was the South American country's largest military exercise for decades, involving troops, helicopters, armoured mortar carriers and self-propelled howitzers. It held night-time helicopter landings at the large Magdalena training area near Buenos Aires, in three areas meant to represent parts of the Falkland Islands....*
>
> *While never declaring the purpose of the "exercises", its true intentions were revealed after an army officer shared the information with a military attache in a neighbouring country – thought to be Brazil – who then passed the intelligence to Britain.*
>
> *The Argentine plan is to invade three outlying islands simultaneously with a view to divert UK defences, create an international incident and "gain global leverage for negotiations" over ownership of the islands and sharing the huge oil reserves. ...*
>
> *A Whitehall source said last night: "We are aware of what happened thanks to information supplied by a nearby friendly country." Britain does have a developed plan to address "unwanted Argentine attention", he added, and "three islands makes things more complicated, but certainly not insurmountable". ...*

2779 *UN Doc A/AC.109/2019/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 26 February 2019*

2780 Argentina has also argued that the UK has an obligation to negotiate the sovereignty of the Falkland Islands. In particular, Argentine lawyers have suggested that the obligation made out in the UN Charter (art.2.3) to settled disputes 'peacefully,' creates a legal obligation. The ICJ seem to have come to a different conclusion.

Last night South Atlantic geopolitical expert Dr Alasdair Pinkerton of Royal Holloway, University of London, observed: "Military campaigns work in different ways. "Arguably, we are not talking about a full-on military invasion, but rather a media storm to draw attention to what they consider to be their rightful claim."..." [2781]

October 2nd, from Geneva, the Red Cross (ICRC) announce that they have identified the 100th combatant, buried in the Argentine Military Cemetery in the Falklands, whose identity was previously unknown.

October 8th, in New York, the Fourth Committee commences its annual review of the Special Committee on Decolonization's work. Over four days, a number of countries address the Fourth Committee with regard to the Falkland Islands, including Argentina's representative García Moritán. [2782]

"Argentina would continue to defend the right to self-determination in all cases in which that right was applicable. However, like any principle, the right to self-determination was not absolute.

Under international law, as recognized by the General Assembly in its resolution 1514 (XV), self-determination should not be used as a pretext to disrupt the territorial integrity of existing States. ... The dispute dated back to 1833, when the United Kingdom had forcibly occupied the Malvinas Islands and expelled the Argentine authorities and population. It had then implanted its settlers and strictly controlled migration policies, with which it continued to determine the composition of the territory's population in its own interests. ...

The 1982 conflict, which had taken place while Argentina had been governed by a military dictatorship, had not changed the legal nature of the dispute, let alone resolved it." [2783]

Britain's representative exercises a right of reply.

"Mr. Sylvester (United Kingdom) said that his country had no doubt regarding its sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and the surrounding maritime areas of both Territories, or regarding the right of the Falkland Islanders to self-determination in accordance with the Charter of the United Nations and the two International Covenants on human rights, in order freely to determine their political status and pursue their economic, social and cultural development. None of the regional statements of diplomatic support for sovereignty negotiations invoked by Argentina modified or diluted the obligation of nations to respect the legally binding principle of self-determination. Therefore, no dialogue on sovereignty was possible unless the Falkland Islanders so wished. The 2013 referendum, in which 99.8 per cent of those who voted wanted to maintain their current status as an Overseas Territory of the United Kingdom, had sent a clear message that the people of the Islands did not want a dialogue on sovereignty. Argentina should respect those wishes. ... The United Kingdom was also clear that no civilian population had been expelled from the Falkland Islands in 1833. An Argentine military garrison had been sent there earlier in an attempt to impose Argentine sovereignty over British sovereign territory, but the United Kingdom had expelled that military garrison, and the civilian population that had previously sought British permission to remain had been encouraged to do so. The territorial borders of the Argentine Republic in 1833 had not included the southern half of its current form or any territory in the Falkland Islands, Antarctica or South Georgia and the South Sandwich Islands. The province of Tierra del Fuego, to which Argentina claimed the disputed Territories belonged, had only become part of Argentina circa 1883, whereas British sovereignty

2781 *Daily Express* October 1, 2018
2782 *UN Docs A/C.4/73/SR.2, SR.6, SR.7 & SR.8*
2783 *UN Doc A/C.4/73/SR.2*

over the Falkland Islands dated back to 1765, some years before the Argentine Republic had even existed. ... the Islands had never legitimately been administered by or formed part of the sovereign territory of the Republic of Argentina." [2784]

Argentina responds that: *"... the people of the Malvinas were not a people within the meaning of international law."* [2785]

> *"Delegates called upon administering Powers today to take the necessary steps to attain the rapid decolonization of the 17 remaining Non-Self-Governing Territories, as the Fourth Committee (Special Political and Decolonization) began its general debate on that topic."* [2786]

"... the representatives of Argentina and of the United Kingdom, speaking in exercise of the right of reply, reiterated their Governments' respective positions a number of times during the deliberations of the Fourth Committee." [2787]

Without a recommendation from the Decolonization Committee, the committee's Falklands resolution is not forwarded to the General Assembly for adoption.

October 9th, the Argentine Government issue a press release complaining about military exercises advertised as taking place on the Falkland Islands between October 15 and 29, 2018. [2788]

> *"The persistence of the United Kingdom in carrying out military manoeuvres in the South Atlantic is in violation, especially, of General Assembly resolution 31/49, which calls upon the two parties to refrain from introducing unilateral modifications in the situation..."* [2789]

"As you are aware, the Argentine Republic has consistently rejected the conduct of these military exercises in Argentine territory unlawfully occupied by the United Kingdom, which is ignoring numerous resolutions of the United Nations and other international bodies that urge the two countries to resume negotiations, in order to find a peaceful and definitive solution to the sovereignty dispute. The persistence of the United Kingdom in carrying out military manoeuvres in the South Atlantic is in violation, especially, of General Assembly resolution 31/49, which calls upon the two parties to refrain from introducing unilateral modifications in the situation while the negotiating process recommended by that Assembly proceeds." [2790]

"... the dispute with the United Kingdom ... is a symbol that is used in the framework of the domestic political dispute to attract votes by appealing to the nationalist and anti-imperialist feelings that is still strong in Argentine society. ... On the other hand ... an official of the current government, stated, ... that he considered that the Falkland Islands (Malvinas Islands) should be divided in two, one half for Argentina (the most depopulated and closer to the continent) and the other for the United Kingdom. ... However, he clarified in that interview that he would never make this proposal public and categorically deny having formulated it because it would be the end of his political career." [2791]

2784 *Ibid.*

2785 *Ibid.* To be listed as a Non-Self Governing Territory at the UN, there has to be a 'people', who have "*not yet attained a full measure of self-government*" (UN resolution 567 (VI) of 1952). If there were no 'people,' then the archipelago would not fall under the remit of the Special Committee. In August, 1968, Argentina finally ratified the *International Covenant on Civil and Political Rights* of 1966. In doing so they had to recognise that *"All peoples have the right of self-determination..."* In order to get around this inconvenience, Argentina claims that the Islanders are not a people.

2786 UN Press Release *GA/SPD/662 October 8, 2018*

2787 *UN Doc A/AC.109/2019/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 26 February 2019*

2788 Argentina's government is routinely notified of military exercises on the Islands.

2789 *UN Doc A/73/445: Letter dated 10 October 2018 ... Argentina to the United Nations ... to the Secretary-General*

2790 *Ibid.*

2791 Eissa 2019

October 12th, from Geneva, the Red Cross (ICRC) announces the identification of the 101st body at the Argentine Military Cemetery in the Falkland Islands.

In New York, on the same day, the UN Fourth Committee approves a number of the draft resolutions presented by the Special Committee on Decolonization. The Special Committee's Falklands resolution is not among them.[2792]

On the issue of who decides whether a NSGT has reached a sufficient level of autonomy to be delisted, the UK's representative affirms the British view that it is for the Administering Power to decide, not the UN. [2793]

October 27th, in the Falklands, a United States delegation arrives at Port Stanley.

"... the three US congressional staffers visiting the Falkland Islands this week admit that their preconceptions of the Falklands had been largely shaped by the conflict. Nevertheless they have a strong message to take back to their respective offices at the US Congress, the clear right to self determination of the Falklands. ... while the US State Department may be diplomatically obliged to adopt a neutral position, congressional offices have what they describe as a more forward-leaning approach to the Falklands issue." [2794]

October 29th, in New York, a UN First Committee meeting discusses disarmament and international security. During the debate, Argentina raises objection to the language used by the British representative in confirming that the UK is continuing to clear anti-personnel mines on the Falkland Islands.

> *"The only parts of Argentine territory affected by anti-personnel mines are the Malvinas Islands. ... However, Argentina is prevented from accessing those mines in order to comply with its obligations assumed under the Convention, as that territory, together with the South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, are illegally occupied by the United Kingdom of Great Britain and Northern Ireland and are the subject of a sovereignty dispute...despite the reiterated declarations of the United Nations and other regional and international forums, the United Kingdom continues to ignore the calls of the international community to resume bilateral negotiations aimed at finding a peaceful and definitive solution to the sovereignty dispute ..."* [2795]

October 30th, in Buenos Aires, the Confederation of Combatants of the Argentine Republic; *"... denounced the head of the Foreign Relations portfolio for violations of the duties of a public official, abuse of authority and treason against the fatherland. Why? Because in a publication of September last year, he invited the inhabitants of the Islands to come to Argentina to educate themselves, get health care and to carry out commercial actions. "Fundamentally, it is omitting that the Falklands are Argentine and it is inviting people who live in the Islands as if they were passing to a different country. It's a barbarity. All within a context that the national government had been leading and fundamentally against basic principles," said Walter Di Giuseppe, a lawyer for the Confederation, in dialogue with Pal'Sur. The complaint, promoted by the entity that brings together the Malvinas fighters, was also extended against President Mauricio Macri, who as head of*

2792 See *UN Docs A/C.4/73/SR.2 to SR.6*

2793 This is a severely cut down version of events at the UN; when the Fourth Committee's review was held over half a dozen days. On every day, Argentina's representatives made some mention of the Falklands in association with whatever specific subject area was being considered. The UK was then obliged to exercise a right of reply, to which Argentina would also reply. Repetition, repetition, repetition.

2794 *MercoPress* November 2, 2018

2795 *UN Document A/C.1/73/PV.20: First Committee 20th meeting Monday, 29 October 2018* . One single sentence from the UK representative resulted in a tirade from the Argentines, followed by a UK right of reply, an Argentine right of reply and a final UK right of reply. These meetings must be very tiresome.

state endorsed the constant policies taken in favor of the United Kingdom and to the detriment of Argentine sovereignty, which had as a starting point the joint "Foradori-Duncan" communiqué, signed in 2016. However, the prosecutor Gerardo Pollicita, on whom the case fell, dismissed the complaint, arguing that the conclusion made by the complainant, in this case Rubén Rada, president of the Confederation of Malvinas Combatants, was a personal assessment." [2796]

On the same day, the Red Cross (ICRC) announce the identification of a 102nd body at the Argentine Military Cemetery at Fish Creek in the Falkland Islands.

November 6th, Argentine news reports claim that National Deputies from the Province of Tierra del Fuego, have approached the Foreign Ministry to complain about tweets from British Ambassador Mark Kent, suggesting that the Falklands question had been settled.

> "*.., we consider that the attitude of Mr. Kent is inadmissible, improper of the position he occupies, offensive towards our country, contrary to the resolutions of the United Nations and in no way help the dialogue between both countries, eroding the potential of diplomacy in conflict resolution. Argentina's response must be forceful and precise. We must not fail to observe, by making the appropriate claims through all possible channels, that these actions seek to undermine our legitimate and irrevocable sovereign rights over the Falkland Islands. Likewise, it is necessary to remember that our country is characterized by peaceful, constant and constructive dialogue. For this reason, the sustained provocation of Mr. Kent is even more offensive since the Argentine Republic bets on the resolution of the sovereignty dispute by the Falkland Islands, South Georgia, South Sandwich and the surrounding maritime spaces for more than 185 years."* [2797]

In presenting evidence to the Foreign Ministry in Buenos Aires, the Tierra del Fuego Deputies mention exchanges between Ambassador Kent and British researcher Roger Lorton.

> *"In this way of proceeding, Mr. Kent has made comments on several occasions that may be classified as offensive and provocative towards our country and towards the claim of the Argentine people regarding the sovereignty dispute over the Falkland Islands, South Georgia, Sandwich. del Sur and the surrounding maritime spaces indicating arrogantly and improperly with the position he occupies, that the "dispute is resolved", namely:*
>
> *Tweet of the 24.08.2017: "Yes. The matter is settled";*
>
> *Tweet of the day 18.01.2018: "Tell her it's Wednesday Roger. And the matter is resolved";*
>
> *Tweet of the 27.01.2018: "Sorry Roger. I agree that the matter is resolved. But you can't define an entire country that way. There are many reasonable people who want to have better relationships. Don't reject them";*
>
> *Tweet of the 29.01.2018: "The matter is effectively resolved Roger";*
>
> *Tweet of the 15.02.2018: "Where is @rogerlorton when you need him? The matter is resolved";*
>
> *Tweet of the 12.03.2018: "The matter is settled";*
>
> *Tweet of 05.26.2018: "The matter is settled";*

2796 *The causes weighing on Chancellor Faurie* article in *Pal'Sur* November 17, 2019

2797 *Diputados fueguinos piden informes a Faurie por declaraciones del embajador británico sobre la soberanía de Malvinas* in *Diario Prensa* November 6, 2018. https://www.diarioprensa.com.ar/diputados-fueguinos-piden-informes-a-faurie-por-declaraciones-del-embajador-britanico-sobre-la-soberania-de-malvinas/

Tweet of the day 11.10.2018: "I'm going to bed. It's morning in Thailand so @rogerlorton can come and tell you how the matter is resolved. And try to be good to everyone".

It should be noted that all the interventions mentioned were in the context of a conversation that expressly spoke of the existence of the sovereignty dispute between Argentina and the United Kingdom." [2798]

"... we see the ambassador from the United Kingdom, Mark Kent, who periodically publishes tweets in his official account with a slogan that says "The matter is settled", the question is closed. There is nothing more to discuss. The ambassador of the United Kingdom of Great Britain, the country with which we have a hundred-year dispute, a sovereignty dispute, is allowed make these kinds of expressions repeatedly. This led to a group of deputies from Tierra del Fuego and other provinces to go to the Argentine Chancellery requesting that it take the necessary measures. Alicia Castro has been an ambassador and knows perfectly that when an ambassador exceeds they call him (to) the Chancellery and put the dots on the I's. It is not the case." [2799]

November 14th, in London, a meeting of the Anglo-Argentine Scientific Subcommittee of the South Atlantic Fisheries Commission convenes. [2800]

"According to the release from the Argentine foreign affairs ministry the two delegations continued on the dialogue initiated last May, regarding issues of mutual interest in scientific cooperation for the conservation of the fisheries resources in the South West Atlantic. With the purpose of contributing to an integral study of the fisheries, in the framework of the conservation measures, discussions centered in the mechanisms for the exchange of scientific data and in planning joint scientific cruises." [2801]

"Under the formula on sovereignty contained in paragraph 2 of the joint declaration issued in Madrid on 19 October 1989, and following the joint communiqué of 13 September 2016, the Scientific Subcommittee of the South Atlantic Fisheries Commission met in ... London in November 2018." [2802]

November 17th, from Geneva, the Red Cross (ICRC) announces the identification of a 103rd body at the Argentine Military Cemetery, previously unknown.

November 22nd, in Argentina, *Ambito Financiero* reports that a second flight from Sao Paulo in Brazil, to the Falklands has been agreed, with a stop-over in the Argentine city of Cordoba.

"This follows two years of detailed negotiations led by FCO Minister for the Americas Sir Alan Duncan. On 13 September 2016, the Minister agreed the UK-Argentina Joint Communique, kicking off negotiations for this closer cooperation between the two countries. The new air link will support the Falkland Island's economic development, increase engagement with South America, and provide economic benefits to the region. Minister for the Americas, Sir Alan Duncan said: "The announcement of a new flight from South America to the Falkland Islands shows real progress, particularly ahead of the G20 in Argentina. This news highlights our closer relationship with Argentina and that, despite our differences on some areas; we can work together on issues that benefit all"." [2803]

2798 *Ibid.*

2799 Jorge Argüello in *Malvinas: Una Cause Regional Justa* 2020 (CLACSO) p.191. Argüello is an Argentine diplomat who served as Argentina's permanent representative to the United Nations between 2007 and 2011.

2800 The first since 2007. See 1989 & 1990

2801 *MercoPress* November 19, 2018

2802 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020*

2803 UK Press release November 27, 2018.

November 23rd, the Red Cross (ICRC) announces the identification of the 104th body in the Argentine Military Cemetery at Fish Creek in the Falkland Islands.

November 27th, in Argentina, details of a second flight from the Falklands to South America are confirmed. Connecting the Islands with Sao Paulo in Brazil weekly, to include a monthly stop-over at Cordoba in Argentina.

> "*The Governments of the Argentine Republic and the United Kingdom have reached an understanding for LATAM airlines to operate an additional flight to the Malvinas Islands – departing from Brazil – with two monthly stops on the Argentine mainland. …*
>
> *This process is being conducted within the framework of the Joint Statement and the Exchange of Notes signed by the Argentine Republic and the United Kingdom under the sovereignty formula on 14 July 1999, which constitute the legal basis for flights between the Malvinas Islands and third countries, in addition to the Joint Statement signed on February 2018. Argentina and the United Kingdom also agreed to hold annual bilateral meetings with a view to evaluating the situation of air links , as well as considering other options to improve connectivity.*
>
> *The Argentine Government fosters greater air links between the Malvinas Islands and the mainland, and, in this regard, this additional regular flight is part of a steady trust-building process, aimed at strengthening connectivity between the Argentine mainland and the Malvinas Islands."* [2804]

"… this will have the inescapable effect of strengthening the British presence on the islands, since the airway serves to the replacement of the crews of the remote fishing boats that have a British fishing license and extract our marine living resources, that the air means is used for the transfer of operators of companies that without authorization from the Argentine Government explore hydrocarbons in the waters surrounding the Falkland Islands, as well as for the transport of cargo, equipment and spare parts that these companies require for their activities and is also used to facilitate the transfer of personnel from the British occupation forces, which also, a higher frequency of flights would allow foreign tourists to board the Falkland Islands to Antarctica to the detriment from the port of Ushuaia (…) generating the strengthening of the presence of the United Kingdom in the disputed southern archipelagos." [2805]

From Geneva, on the same day, details of the 105th identification at the Argentine Military Cemetery is announced by the Red Cross (ICRC)

Also in Geneva, the UK is granted an extension of five years to complete its demining of the Falkland Islands.

"In November 2018, the Seventeenth Meeting of States Parties to the Ottawa Convention granted the United Kingdom another extension until 1 March 2024, which followed the first extension that had been granted until 1 March 2019 by the Ninth Meeting of the Convention, held in November 2008." [2806]

November 30th, in Buenos Aires, Britain's Prime Minister, Theresa May arrives for a G20 summit.

"Argentine President Mauricio Macri Friday held a bilateral meeting with British Prime Minister Theresa May in what turned out to be the first one-on-one encounter between heads of government of the two countries after the 1982 Falklands War. The two leaders met privately at a side room in the Costa Salguero premises where the G-20 Summit is taking place Friday and Saturday and "everything unfolded in a frank dialogue and a

2804 Argentine Government press release November 27, 2018

2805 *La Asociación Argentina de Derecho Internacional 2017* quoted by Alicia Castro in *Malvinas: Una Cause Regional Justa* 2020 (CLACSO) p.136

2806 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020*

positive ambience", according to Argentine Foreign Minister Jorge Faurie, who added that "it highlights the level of relations that we have managed to develop in these years of government, we have talked about the entire bilateral relationship and that includes every issue". Mrs. May and Macri "noted the significance of the Prime Minister being the first to ever visit Buenos Aires and only the second to visit Argentina", British sources explained, and they celebrated the new commercial air link between Falkland/Malvinas and São Paulo through Córdoba as well as the humanitarian achievement in identifying the bodies of Argentine combatants buried at the Darwin Cemetery." [2807]

"... President Macri held a brief meeting (15 minutes) with British Prime Minister Theresa May. The Argentine government had publicized the importance and symbolism of the meeting between the two leaders. ... the British Prime Minister was the one who only briefly addressed the Malvinas issue when she thanked the Argentine for the San Pablo-Islas Malvinas flight and highlighted the humanitarian relations between the two countries. President Macri did not raise any issue regarding the underlying issue that differentiates the two countries, even though he could have done so in diplomatic terms where each party protects its rights. From different political sectors they expressed their deep criticism of the Macri Government since it lost the opportunity to establish the claim of Argentine rights over the Malvinas Islands and the adjacent maritime spaces." [2808]

December 5th, from the Falklands, the remains of Argentina pilot Luis Dario Jose Castagnari are repatriated to Argentina from the Argentine Military Cemetery following a request from his family.

"The remains of Argentine pilot Luis Darío José Castagnari, who died in combat during the 1982 Falklands War, arrived at his hometown of Río Cuarto in the province of Córdoba Wednesday afternoon. His widow Cristina Scavarda thus fulfilled a promise she had made him to be buried next to their late son Gustavo, who had died of cancer, if he failed to return alive. Martín Castagnari, a son of Luis', was very thankful to the islanders for being "very respectful to the family [and for knowing] what it meant to us", he said. "I was six years old when he left, and we've been waiting for him until now", he added. Castagnari had been buried at the Darwin Cemetery on the islands, where unlike his family, most relatives prefer their loved ones to stay." [2809]

December 6th, from Geneva, the Red Cross (ICRC) announces the identification of a 106th body from the Argentine Military Cemetery in the Falkland Islands.

December 7th, in New York, regarding decolonization questions, the General Assembly of the United Nations; *"... adopted 21 resolutions and 1 decision. Among the resolutions was the text "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples," adopted by a recorded vote of 124 in favour to 8 against (Côte d'Ivoire, Gabon, Israel, Morocco, Senegal, South Sudan, United Kingdom, United States), with 46 abstentions. According to its terms, the Assembly requested that the Special Committee continue to dispatch visiting and special missions to the Territories, in accordance with the relevant resolutions."* [2810]

December 12th, in Buenos Aires, Argentina's Congress passes a Bill establishing two Marine Protected Areas. One is named as *Namuncurá-Burdwood Bank II* and covers the Burdwood Bank underwater feature some 200 miles south of the Falklands. Part of the feature lies within Falklands waters. [2811]

2807 *MercoPress* November 30, 2018
2808 Romero 2020
2809 *Mercopress* December 6, 2018
2810 UN Press Release *GA/12102* December 7, 2018
2811 Argentina claims sovereignty over the whole of the Burwood Bank while the Falklands government has designated around 50% of it as part of the Falkland Outer Economic Zone.

"The Falklands government said it "believes the designation of this area encroaches on our Fisheries Conservation Zone and steps are being taken to address the matter"." [2812]

December 21st, Britain's Prime Minister, Theresa May, broadcasts a Christmas message to the Falklanders; *"... while the relationship between our governments is changing, I can assure that one thing will never change: our absolute commitment to the people and sovereignty of the Falkland Islands. It is not up for debate. As long as you desire the right to be part of the United Kingdom family, we will defend that right – and a valued part of our family is what you will remain."*

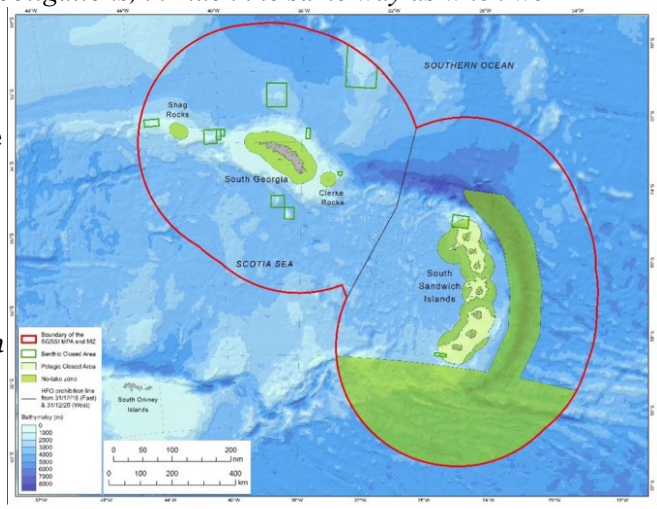
2019 – January 3rd, Argentina issues its annual official press release.

> *"On 3 January 1833, the Malvinas Islands, which are an integral part of the Argentine national territory, were illegally occupied by military forces of the United Kingdom … Argentina continues to receive the support for its legitimate sovereignty rights in the Malvinas Question from countries in the region, both bilaterally as well as through different regional forums.*
>
> *Other multilateral forums such as OAS, G77 plus China, and the Ibero-American summit have requested the resumption of negotiations."* [2813]

January 9th, *The New York Times* lists the Falkland Islands as number 23 on its places to visit list.

January 18th, the Falkland islands Government (FIG) issues a statement.

> *"Further to previous DNA work carried out by the International Committee of the Red Cross (ICRC) in the Falkland islands in 2017, a further 18 previously unknown Argentine soldiers have been identified. This brings the total number of identified soldiers to 106 since efforts began. …*
>
> *We recognise that, following these recent developments, the families of the 18 newly identified solders might wish to visit the Falkland Islands to pay their respects and see their relative's grave with a new headstone with their name on it. Should they wish to visit in early March then we would support this and consider it part of upholding our humanitarian obligations, in much the same way as when we facilitated the DNA process."*



February 8th, the Government of South Georgia and the South Sandwich Islands announces further marine protection measures, including an extension of no-take zones closed to commercial fishing. [2814]

"Drawing on the recommendations arising from the recent 5-yearly review of the South Georgia and & South Sandwich Islands Marine Protected Area, GSGSSI will extend the current Marine Protected Area legislation across its entire 1.24m km2 Maritime Zone. No-take zones (NTZ), which will be closed to all commercial

2812 *MercoPress* December 22, 2018

2813 *UN Doc A/73/698: Letter dated 3 January 2019 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

2814 Until 1985, South Georgia and the South Sandwich Islands were Dependencies of the Falkland Islands. After 1985, they became separate British Overseas Territories. Argentina has claimed South Georgia since 1927 and the South Sandwich Islands since 1948. Argentina's claim appears to be based on the pre-1985 administrative association of these islands with the Falklands. I can find no specific Argentine protest for this action.

fishing activity, will be expanded to cover 23% (284,000 km2) of the MPA; an area which greatly exceeds the size of the UK. This new NTZ network covers key biodiversity hot-spots at the South Sandwich Islands and protects the globally significant and unique South Sandwich trench. In addition, a precautionary two month extension to the seasonal closure of the highly regulated fishery for Antarctic krill will limit fishing to the winter period between May and September, to reduce potential competition between the fishery and krill predators such as seals and penguins during their breeding seasons."[2815]

February 10th, Argentina's *Clarin* newspaper carries an interview with Britain's Ambassador, Mark Kent. During the interview, in answer to a question regarding Argentina's claim and the lowered tone during the Macri presidency, Kent responds; *"... the conflict does not lead anywhere. Because we have to see the real challenges. For example, in fishing, in the environment, we see that there is a threat, illegal fishing. And apart from the sovereignty dispute, there is interest both from Argentines, both from the islanders, to collaborate in the protection of fishing stocks."* [2816]

"... when it comes to the Islands (Falklands) and the sovereignty dispute it is clear "we support self determination of the Islanders, but in a more modern relation we not only have to exchange diplomatic (protest) notes but search for solutions, take action". This means for the relation several important issues, empathy, understand that in negotiations what matters are interests, sometimes in conflicting positions, people tend to forget this. "Empathy to understand what is important for the others and explain what is important for you, and finally get things done. For example increasing contacts with the Islands, but also the overall relation. That is bringing more trade missions, investment, collaboration among museums, the different ministries, that is what I mean by action and adapting the relation to modern times". When Ambassador Kent was insistently questioned about the sovereignty dispute over the Falklands, he replied, "you will never have a bilateral relation between two countries in which they agree 100%. And we recognize that Argentina has a different position in this respect, to us and to the Islanders"." [2817]

"In a recent interview with the British Ambassador in Argentina, for the official Clarín newspaper, under the title "Mark Kent:"If we do not act together, Argentines and British, we will not have more fishing", the British diplomat provided a series of political definitions that are visibly contrary, both to international law and to Argentine interests in the South Atlantic. Undoubtedly, the change of course that, in matters of foreign policy, imposed by President Macri, allows the neocolonial thought that many British crown officials still maintain to express themselves without shame. Asked about the sanctions on hydrocarbon operations imposed by Kirchnerism for those who operate in the Falkland Islands, the Ambassador stated: "We are on the same line that was agreed in 2016, in the joint statement, that we want all sanctions to be removed. We are waiting and making progress". The English official refers to the Joint Communiqué, which has been irregularly and illegally executed by Chancellor Jorge Faurie, signed on September 13, 2016, between the Minister of State for Europe and the Americas of the British Foreign and Commonwealth Secretariat, Sir Alan Duncan, and the former Vice Chancellor Ambassador Carlos Foradori, and that the Executive Branch refuses to refer to the National Congress to give it the corresponding parliamentary treaty according to what is established in the National Constitution in article 75, inc.22. The British representative also noted that "Our position is to support the islanders' right to self-determination". As it is widely known, this definition is contrary to public international law and to the criteria set by the United Nations since the conditions for exercising the principle of self-determination do not exist, nor does the status of people apply to the kelper population of the Falkland

2815 *MercoPress* February 8, 2019. The first marine Protected Area was established in 2012. In 2024, the no-take zones were increased in size. See - https://buenosairesherald.com/world/international-relations/british-government-expands-presence-in-argentine-sea-near-malvinas

2816 *Face to face: Mark Kent* in *Clarin* February 10, 2019. Interviewer Natasha Niebieskikwiat.

2817 *MercoPress* February 11, 2019

Islands. The inhabitants of these archipelagos are a transplanted population, dependent on the British Crown, with full citizenship of the United Kingdom, do not possess the essential requirements necessary to be legally considered a "people".” [2818]

February 11th, in the UK, the *Daily Express* newspaper covers the story.

> *“Speaking in an interview for Clarin newspaper, Mr Kent said: "Our position is to support the right of self-determination of the islanders, but in a more modern relationship, we can not only exchange diplomatic notes, such as protest ones, we must find solutions and take action." Mr Kent said both countries need to work together to stop illegal fishing in the Argentine Sea. He also said: "Apart from the dispute over sovereignty, there is interest from both the Argentines and the islanders to collaborate in the protection of fishing stocks."…”*

February 21st, Britain's Foreign Affairs Committee publishes the conclusion of its inquiry into the nature of Britain's relationship with its Overseas Territories – *Global Britain and the British Overseas Territories: Resetting the relationship*.

> “68. *Since the start of our Global Britain inquiry, we have repeatedly argued that the FCO needs to move forward by looking back. We have said that the FCO should resume responsibility for the UK's international trade and its relations with the EU and set the strategic direction of the UK's foreign policy as it did before so many other departments became involved in international relations.*
>
> *When it comes to the Overseas Territories, however, the FCO needs to do the opposite; it needs to give up rather than reclaim responsibility. In other policy areas the FCO must return to form but with the OTs it is stuck in the past. This is reinforcing the sense that many in the OTs have that they are not just far away from Britain but foreign. That is why we are calling on the UK Government to commission an independent review into cross-government engagement with the OTs and the FCO's management of its responsibilities towards them.*
>
> 69. *Parliament has a role to play too. It must ensure that, while the people of the OTs are not directly represented in Parliament, there is a forum for the effective scrutiny of the decisions taken in London that impact them directly. That is why we think the time is right to consider establishing a new formal mechanism by which the members of relevant select committees can scrutinise Government administration, expenditure and policy in relation to the OTs. Taken together, these and the other recommendations in this report can help to ensure that the bonds between the UK and the British Overseas Territories are strengthened and that together we can truly be a Global Britain.”* [2819]

“In 2019, the Commons Foreign Affairs Committee … quoted submissions from several Overseas Territory (OT) officials and politicians, including in the British Virgin Islands, Montserrat, and Anguilla, who argued that because neither the Territories nor their citizens are foreign, a foreign department is not the correct place. Alternatives such as the Cabinet Office or a distinct Overseas Territories office were suggested. However, other witnesses, including the Falkland Islands Government, argued that because the Foreign Office has a “global base” it was the logical place for the Territories. In 1998 evidence to the Committee, the Falkland Islands Legislative Council also expressed concerns a dedicated department would be dominated by the larger and more numerous Caribbean OTs. … No further statements have been issued.” [2820]

2818 Draft Resolution (1539-D-2019) submitted to Argentina's Chamber of Deputies April 5, 2019. See below.
2819 See - https://publications.parliament.uk/pa/cm201719/cmselect/cmfaff/1464/1464.pdf
2820 Loft 2024

"In 2019, the Commons Foreign Affairs Committee acknowledged that many in the OTs did not feel they received the attention they deserved in the UK Parliament, and that the Committee itself had not carried out a major inquiry into the Territories since 2008. It argued select committees should collectively be able to examine UK Government policies and spending towards the territories … No published updates on progress were issued, but in 2023 the Foreign Affairs Committee established its own subcommittee on the OTs." [2821]

February 23rd, in Buenos Aires, members of Argentina's Lower House Foreign relations Commission announce that they are willing to visit the Falklands on a fact-finding tour, provided they are not required to have their passports stamped on entry. [2822]

February 25th, at the Hague, the International Court of Justice (ICJ) publishes its advisory opinion regarding the separation of the Chagos Islands from Britain's Mauritian colony in the 1960s; following the questions presented to it by the UN General Assembly in June 2017. [2823]

> *In the Court's view, it follows that the legal régime of non-self governing territories, as set out in Chapter XI of the Charter, was based on the progressive development of their institutions so as to lead the populations concerned to exercise their right to self-determination.* [2824]
>
> *The Court considers that, although resolution 1514 (XV) is formally a recommendation, it has a declaratory character with regard to the right to self-determination as a customary norm, in view of its content and the conditions of its adoption. The resolution was adopted by 89 votes with 9 abstentions. None of the States participating in the vote contested the existence of the right of peoples to self- determination. Certain States justified their abstention on the basis of the time required for the implementation of such a right.* [2825]
>
> *In order to prevent any **dismemberment of non-self- governing territories**, paragraph 6 of resolution 1514 (XV) provides that: "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."* [2826]
>
> *The Court recalls that, while the exercise of self-determination may be achieved through one of the options laid down by resolution 1541 (XV), it must be the expression of the free and genuine will of the people concerned.* [2827]
>
> *The Court recalls that the right to self-determination of the people concerned is defined by reference to the entirety of a non-self governing territory, as stated in the aforementioned paragraph 6 of resolution 1514 (XV).* [2828]
>
> *…. that the process of decolonization of Mauritius was not lawfully completed in 1968…* [2829]

2821 *Ibid.*. The Foreign Affairs sub-Committee appears to have written three letters, but not held a meeting since May 2024. See - https://researchbriefings.files.parliament.uk/documents/CBP-9708/CBP-9708.pdf

2822 *MercoPress* February 23, 2019. Supposedly at the request of the British Embassy in Buenos Aires. Ambassador Kent informed the Commission that its request was beyond his authority. No visit took place.

2823 *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1985: Advisory Opinion of 25 February 2019*. See - https://www.icj-cij.org/public/files/case-related/169/169-20190225-ADV-01-00-EN.pdf

2824 *Ibid.* para 147

2825 *Ibid.* para.152

2826 *Ibid.* para.153. My emphasis. This implies that paragraph 6 of resolution 1514 (XV) only applies to the NSGTs and does not provide any protection to others. 1514 was not retrospective. See 1960.

2827 *Ibid.* para.157

2828 *Ibid.* para.160. This appears to attach the right of self-determination to the territory.

2829 *Ibid.* para.175

... that the decolonization of Mauritius was not conducted in a manner consistent with the right of peoples to self-determination, .. [2830]

Since respect for the right to self-determination is an obligation erga omnes, all States have a legal interest in protecting that right. [2831]

Summing up:

"The Court, ... By thirteen votes to one, Is of the opinion that, having regard to international law, the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos Archipelago;..." [2832]

"The Assembly's first question indicated that the relevant international law was reflected in a number of its own resolutions. In particular, 1514 (1960) (XV) declared that: all peoples have the right to self-determination (paragraph 2); the colonial powers cannot place fetters on independence (paragraph 5); and any disruption of the territorial integrity of a country is incompatible with the Charter (paragraph 6). However, during the advisory proceedings, the United Kingdom and the United States contended that the right to self-determination emerged as a CIL (Customary International Law) norm with the adoption of resolution 2625 (XXV) (1970) — i.e. after Mauritius had become independent. ... So, did 1514 generate custom or did this only happen with the passing of 2625? It is notable that the latter was adopted by consensus while 1514 was passed by 89 votes with none against and 9 abstentions—largely the colonial powers. The ICJ ruled that the adoption of 1514 marked the crystallization of the right to self-determination in CIL. The Court also took the view that the subject of this entitlement — the "people" — must be defined by reference to the colonial unit as a whole. Moreover, in keeping with paragraph 6 (above), it held that maintaining the territorial integrity of a Non-Self-Governing Territory was a corollary of the right to self-determination. Invoking the formulation it had articulated in the Western Sahara Case, the Court observed that after 1960 the partitioning of such a Territory would violate the right to self-determination, "unless it is based on the freely expressed and genuine will of the people of the territory concerned."..." [2833]

"The Court had confirmed that, in some cases, the General Assembly had dispensed with the requirement of consulting the inhabitants of a given territory, since it had considered that a certain population did not constitute a "people" entitled to self-determination.[2834] *Those conclusions were extremely relevant to the question of the Malvinas Islands. It was also clear from the Court's analysis that* ***the Malvinas territory to be decolonized included all of its dependencies that had existed in 1965, the year of adoption of General Assembly resolution 2065 (XX). That was why the question of the Malvinas Islands included the South Georgia Islands and South Sandwich Islands and the surrounding maritime areas****, since the separation of those archipelagos from the Malvinas territory by the United Kingdom in 1985 was not opposable to Argentina, and much less to the General Assembly and the Committee. Thus, in the case of the Malvinas Islands, South Georgia Islands and South Sandwich Islands, it was not the people but the territory that needed to be decolonized."* [2835]

2830 *Ibid.* para.177

2831 *Ibid.* para.180

2832 *Ibid.* para.183. Judge Joan Donoghue dissenting

2833 *The Chagos Advisory Opinion and the Decolonization of Mauritius* Stephen Allen 2019

2834 The 'certain population' presumably being the Chagossians, as separate to the Mauritians?

2835 Argentina's Foreign Minister, addressing the United Nations Special Committee on Decolonization in June, 2019 (see below) in *UN Doc A/AC.109/2019/SR.7 Summary record of the 7th meeting.* My emphasis. When the Falkland Islands were first listed as a NSGT at the UN, neither South Georgia nor the South Sandwich Islands were included. They were not added before their separation in 1985. In light of the ICJ's Chagos opinion, the status of South Georgia and the South Sandwich Islands must remain moot. Interestingly, Argentina has not repeated this interpretation since 2019.

"... following the Chagos opinion, a persuasive argument can be made that self-determination and the right to decolonization come close to being one and the same thing,.. Identifying the right to self-determination with colonization has the further advantage that all the traditional and difficult questions relating to self-determination no longer pose insurmountable obstacles. ***If self-determination is essentially limited to non-self-governing territories (i.e. colonies), there is no need to figure out what on earth the notion of 'peoples' means****, as in the phrase 'all peoples have a right to self-determination'. There is no longer a need to balance historical continuity against linguistic community, or secession against territorial integrity, ... The two perennial problems associated with the right to self-determination have therewith been clarified. Firstly,* ***the identity of the right-holder is now clear: the right-holder is the non-self-governing territory****. Secondly, the consequence of self-determination has become clear as well: the self-determination of non-self-governing territories will ideally materialize in their independence, unless they themselves opt freely for association or integration with another state, in accordance with General Assembly resolution 1541 (XV)."* [2836]

"... in its recent advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, the International Court of Justice reaffirmed that the General Assembly and the Special Committee on decolonization have a central role to play in defining and monitoring the necessary modalities for the decolonization of a territory. In that regard, the General Assembly made its position clear in resolution 2065 (XX), in which it urged Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. That position was reiterated in General Assembly resolutions 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25 and in the resolutions of the Special Committee on decolonization." [2837]

"In its advisory opinion, however, the Court made it clear that Resolution 1514 applies only to non self-governing territories." [2838]

"In applying the principle of self-determination as a norm of customary law as declared by the General Assembly in Resolution 1514 (XV) of December 14, 1960, the Court relies on paragraph 6 which provides: "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations". The territorial integrity of a non-self-governing territory is thus said to be a "corollary" of the right to self-determination. It follows that "any detachment by the administering Power of part of a non-self-governing territory, unless based on the freely expressed and genuine will of the people of the territory concerned, is contrary to the right to self-determination". Who, however, is the subject of the right to self-determination, i.e. the "people of the territory concerned": the Mauritians or Chagossians? The Court does not squarely address this issue. Rather, it simply states that "no free and genuine will of the people concerned" was expressed at the time of the detachment of the Chagos Islands." [2839]

2836 *Shrinking Self-determination – The Chagos Opinion of the International Court of Justice* Prof. Jan Klabbers in European Society of International Law ESIL Reflections 2019 vol 8, issue 2. My emphasis. Available here - https://falklandstimeline.files.wordpress.com/2021/11/shrinking-self-determination-the-chagos-opinion-of-the-international-court-of-justice-by-jan-klabbers-2019.pdf

2837 *UN Doc A/74/568: Letter dated 28 November 2019 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*. A very Argentine perspective, considering that all the relevant General Assembly resolutions have been replaced or answered. Decolonization Committee resolutions carry no weight, unless adopted by the General Assembly. None have been since 1988.

2838 Pascoe 2020 p.335

2839 *Situating Sovereignty: Judge Donoghue's Lone Dissent in the Chagos Advisory Opinion* Peter G. Danchin 2024.

From the Falkland Islands, on the same day, the Government announces that a private charter will arrive on March 13 carrying the next of kin of the eighteen previously unknown soldiers, recently identified. For a ceremony at the Argentine Military Cemetery.

February 26th, from Buenos Aires, Argentina's Foreign Ministry issues a statement.

"The Advisory Opinion of Chagos is relevant to the Question of the Falkland Islands because it is a situation of territorial dismemberment, and refers to principles that are fundamental in the claim on our Islands." [2840]

"... the domestic Malvinas establishment repeats the mantra about the United Nations General Assembly's support for Argentina's position ad nauseam. ... Why, then, doesn't Argentina go to the General Assembly requesting that it initiate a consultative procedure before the International Court of Justice? In my opinion, the answer is simple: Argentina has two reasons: first, it doesn't ask the Assembly because it fears not having the necessary number of member states to make the request to the Court. If it doesn't reach that number, Resolution 2065 would be seriously damaged. And second, it doesn't do so in the spirit of that well-worn saying, "be careful what you wish for, lest it come true". Because, in other words, it rightly fears the consequences of its success in convincing the Assembly to submit a request for consultative action to the Court. There is too much uncertainty, and Argentina, although it doesn't say so, knows that this path could undermine its only asset, which is General Assembly Resolution 2065 (1965). Why this risk? ... In 55 years, things have changed considerably, and this is politically significant. For example, Argentina's influence on the international scene is now much less, due to our loss of relative influence. ... in a General Assembly numerically enlarged by nations and states that are more sensitive to the principle of self-determination ... In short, it is increasingly difficult to discuss the issue and preserve the Malvinas Islands, from the Argentine point of view, as a case of special decolonization. ... things are not going well: if Argentina were to take the initiative to advocate for the General Assembly to formulate a request to the ICJ for a consultative pronouncement, it's extremely likely that the result would be a diplomatic and, therefore, political defeat. The Foreign Ministry is aware of this, but it doesn't say so. This is the problem. The political geography of the General Assembly has changed in 55 years; contemporary trends link state sovereignty more and more strongly to the people than to the land. But there's no reason to make it public. In the Malvinas, our official policy is esoteric. The Malvinas philosophers speak softly because if they raise their voices, the city could be traumatized. It's better to continue evoking the 2065 as if it were fresh out of the oven. ... The ruling of an international court involves a multitude of imponderables, variables, and the most diverse considerations. This amounts to nothing other than uncertainty. The state that invokes the Court's judgment exposes itself to a process whose outcome it cannot take for granted; it is a game that will be more like throwing dice than chess. But allow me to drain the bitter cup; There will be no shortage of readers who believe that, despite everything, Argentina can be confident that its rights to the islands are so solid that judges are unlikely to refuse to recognize sovereignty. I regret to inform you that in this regard, too, they are mistaken. The belief that Argentine rights to the Malvinas are incontrovertible is nothing more than a prejudice forged by educational and cultural apparatuses over the years ... I am not saying that, under international law, Argentina lacks some points in its favor, or that the rights that the British state attributes to itself—just as the Argentine state does—are beyond dispute. It's the other way around: both Argentina and Great Britain have very precariously established legal titles to the islands. British legal activism is not inferior to Argentina's, and by comparing the arguments surrounding the various issues, it is rare to arrive at conclusive results. Issues that are, for the Argentine compendium of Falkland Islands orthodoxy, articles of faith, such as uti possidetis iures, effective occupation, or the continued claim against the usurping state, do not enjoy any grounds, evidence, or irrefutable claims. ... Upon close

2840 *Information for the Press No: 069/19.* After a relatively short period of reflection, Argentine representatives stopped mentioning the Chagos advisory opinion. Too much self-determination, it would seem.

examination, it can be seen that we are as weak on paper as the British. Whether we like it or not, asserting that we are right is a purely political act (not to be dismissive), and we cannot be sure that any court will rule in our favor, just as the British cannot." [2841]

In New York, on the same day, the annual UN working paper on the Falkland Islands is published at the UN. This outlines current conditions in the Falklands' NSGT and the positions of the various parties. [2842] Under *Action taken by the General Assembly*, the report notes:

> *"In its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received."* [2843]

March 1st, in Buenos Aires, President Macri address the National Congress.

"The last opportunity that President Macri had to speak to Argentines about the Malvinas Question was during the opening speech of the Ordinary Sessions of the National Congress on March 1, 2019. However, the president did not mention a word about that topic." [2844]

March 11th, *MercoPress: South Atlantic News Agency* reports:

> *"Research scientist Drs Ander de Lecea and Marina Costa of SAERI recently completed their first surveys of the Burdwood Bank, kicking off the "Fine Scaling of the Marine Management Areas of the Falkland Islands" (MMA) project. The Burdwood Bank is an area known to be important for seabirds and mammals, and believed to house high benthic biodiversity, however there are still large gaps in our understanding of its role in supporting the rich fisheries and charismatic marine life of Falklands waters.*
>
> *This areas is also likely to be very important in the face of ongoing climate change; because it's located at the southern edge of the continental shelf, it's the 'last stop' for many species who's ranges are shifting South with warming sea temperatures. Beyond this, the ocean plummets to great depths, which some species cannot survive and/or cross. Being able to understand an ecological baseline for the region should help us to better understand it and manage it, as it will allow us to identify any ecosystem shifts in the long run. The Bank is also thought to be important for blue carbon ecosystem services, meaning that the area may help to trap greenhouse gases from the atmosphere over long periods of time and store them."*

March 13th, in the Falkland Islands, a group of Argentine next-of-kin and relatives arrive for a short ceremony at the Argentine Military Cemetery. [2845]

2841 *Malvinas: No Las Queramos Tanto* Vicente Palermo 2020. See - https://www.researchgate.net/publication/342057180_Malvinas_No_Las_Queramos_Tanto

2842 *UN Doc A.AC.109/2019/6: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 26 February 2019.* Available here - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/056/69/pdf/N1905669.pdf?OpenElement

2843 Another year passed without a call, by any member of the United Nations, for a General Assembly debate on the question of the Falkland Islands. Not even by Argentina.

2844 Romero 2020

2845 Financed, apparently, by the Argentine businessman Eduardo Eurenkian.

"*This brings the total number of identified soldiers to 110 since the International Committee of the Red Cross first began DNA work back in 2017, and new gravestones were set in place ahead of the arrival of the families. Present during the visit were Falkland Islands Government officials, as well as representatives from the Argentine Ministries of Human Rights and Foreign Affairs, and the British Embassy in Buenos Aires. British Military personnel from BFSAI provided appropriate Military honours during the service.*" [2846]

"Sixty-five next of kin of Argentine combatants buried in the Falkland Islands and whose remains were recently identified, visited the Argentine military cemetery at Darwin to pay their respects and pray next to the graves of their loved ones. … The trip started at Ezeiza airport on Wednesday at 04:30 in the morning and the official ceremony at 11:00 with a mass by an Argentine padre, cousin of one of the fallen combatants, together with a Falklands priest and parson. This was followed by a ceremonial Scottish Infantry Company Guard of Honour, six soldiers with rifles reversed in full traditional kilt uniform and a piper who played "Laments". … This means that only ten remains out of 122 at the Argentine military cemetery still are unknown… The visiting group also displayed a national Argentine ***flag****, held low below waist-height and as it was unfolded it was carefully explained it was in honour and respect to those buried at the Argentine memorial and to those names on the surrounding walls who lost their lives at sea and have no grave …"* [2847]

"I can tell you categorically that there was no permission or agreement for such a thing – on the contrary! We were very clear that any flag or 'badge' displays would be absolutely unacceptable. You can share my comment if you wish." [2848]

"In March 2018 and March 2019, two trips were made by relatives of identified soldiers to the Falkland Islands. For all of them, it was the first time they were able to recognise a grave and stand in front of the cross, that, with their name, truly marked the place where their sons and brothers were buried. … Suddenly, the silence turned into a cry of pain that lasted several minutes. Mothers hugging the crosses, brothers crying on their knees in front of the graves, gestures of suffering that suggested the visit to Darwin (sic) would not be long enough to unload so much pain." [2849]

A plaque is erected at the cemetery; *"… which explains that the Cemetery is the property of the Families Commission, Funded by AA2000 and maintained by a local company. The Corporation America which owns AA2000, and belongs to Argentine businessman Eduardo Eurnekian, also funded the two trips of next of kin, both in March 2018 and 2019."* [2850]

At 11.00am, a religious ceremony commences.

"… led by the Argentine priest Ponciano Acosta, first cousin of a fallen soldier in the Malvinas Islands, and two priests from the Islands, one Catholic and the other Anglican. Military honors were then rendered; a bagpiper from the Scottish Guard from the islands played a funeral march, and Argentine veteran Omar Tábarez played the final touch with the same trumpet he used during the war, taken by a Scottish soldier and returned to him in 2010." [2851]

2846 Falkland Islands Government Press Release March 13, 2019

2847 *MercoPress* March 14, 2019. My emphasis. The flag displayed was exceptionally large. Public display of Argentine flags was restricted in 2020.

2848 Falklands MLA Leona Roberts in conversation with this researcher. On the arrival of the relatives, the journalists were required to leave the area of the cemetery, to a gazebo that had been erected nearby.

2849 *Malvinas: Identidad de Heroes* Daniel Santa Cruz 2022

2850 *MercoPress* March 14, 2019.

2851 Santa Cruz 2022

The visitors fly back to Argentina the same day, where they are received by Argentina's Foreign Minister Jorge Faurie. An official press release concludes; *"We continue working to relieve this painful wound and building the path for a truly historic retrieval for those who gave their lives defending our motherland."* [2852]

March 29th, *MercoPress: South Atlantic News Agency* reports:

> *"The Royal Falkland Island Police have corrected reports in the Argentine press this week. Eight men filmed holding banners and singing at the Argentine military cemetery had been reported in their national press as having been detained for two days in "a tense situation". One of the Argentines, Luis Escobedo, spoke to the newspaper Clarin, complaining that they were treated as if they were criminals. Two of Argentina's leading newspapers gave the impression in their reports that their citizens had been detained in police cells. Escobedo also claimed that a "judge absolved them", Clarin reported.*
>
> *In fact no judge was involved at any point. Detective Sergeant Barney Allcock told Penguin News that the men were allowed to remain in their hotel, leaving one at a time to be questioned under caution at the police station. "At no point was anyone incarcerated", said DS Allcock. "Everyone was treated equally and with dignity". After being questioned, the men were released on police bail, until Attorney General Simon Young decided not to proceed with a prosecution. At that point, the men's property was returned to them, and they were advised by DS Allcock on the lack of sensitivity they had shown towards Islanders."*

In the UK, on the same day, during an episode of *Grand Tour* broadcast on Amazon Prime, presenter Richard Hammond refers to Argentina as "*God's cesspit*." [2853]

April 2nd, in Buenos Aires, commemorative events take place recalling the Argentine invasion of the Islands in 1982. President Macri unveils a plaque to commemorate the 649 Argentine combatants who lost their lives. He announces that his country's claims to the Falkland Islands are "*legitimate and irrevocable*."

> *"But, according to official sources questioned in the Government, there is no intention of (Argentina) going to the Hague (ICJ) over the Falklands, not for an Advisory Opinion – as Mauritius did for Chagos – nor for a (formal) trial – the contentious way – as the Government of Nestor Kirchner did against Uruguay over the (factory) erected on their side of the binational Uruguay River."* [2854]

"The official denomination of the day which recalls the invasion of the Falkland Islands on April 2nd is "Malvinas War Veterans and Fallen Day" and will be replicated in all of Argentina with the main ceremony at the cenotaph in Plaza San Martín, downtown Buenos Aires. ... The plaque at Olivos will read, "Standing homage of the Argentine State to its Malvinas and South Atlantic Islands heroes". Avruj added this is "a reaffirmation of our commitment as a State and society with the Malvinas Islands"." [2855]

April 5th, a Bill is introduced into Argentina's Chamber of Deputies.

> *"Resolves: To address the National Executive Power in the terms of article 100, subsection 11 of the National Constitution so that, through the Head of the Cabinet of Ministers, it reports to this H. Chamber of Deputies of the Nation the following matters related to the declarations of the Mr. Mark Kent, Ambassador of the United Kingdom of Great Britain, related to the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime spaces:*

2852 *MercoPress* March 14, 2019.
2853 A reference to the Top Gear presenters' reception in Argentina. See 2015
2854 *Fallo por Chagos: Pese a un reciente caso testigo, el Gobierno no llevará Malvinas a la corte de La Haya* in *Clarin* April 2, 2019
2855 *MercoPress* April 2, 2019.

• Repudiate the sayings of the British Ambassador for trying to naturalize the colonial situation that affects the sovereign rights of the Argentine Republic over the Falkland Islands, South Georgia and the South Sandwich Islands and the maritime spaces that surround them, as well as rejecting the British claim to share the exploitation, administration and protection of natural resources, natural heritage that belong wholly and exclusively to the whole of the Argentine people.

• Submit all available information related to the economic and environmental impacts registered on fishery resources, which generates the irregular and discretionary exploitation authorized by the United Kingdom of Great Britain, and what have been the measures adopted to avoid the over exploitation of those resources fish in the reference area.

• Submit proof of the number of fishing vessels in the area, their nationality, size of the catches, commercial valuation of that activity, estimation of the permits granted and all other information related to this matter.

• Inform what has been the diplomatic response provided by the Argentine government, before the statements of the Ambassador in the reference interview, where he claims the principle of self-determination of the islanders, minimizes the claim of Argentine sovereignty and assumes as legitimate and legal the exploitation of natural resources by the English government.

• Inform what the bilateral advances in fisheries referred to by the English diplomat consist of; in particular what are the results of the periodic meeting held by the South Atlantic Fisheries Commission and, especially, the agreements reached within the Scientific Subcommittee of said Commission.

Also inform what is the "progress" to which the English official alludes, when referring to the "removal of all obstacles that limit the economic growth and sustainable development of the Falkland Islands, including fishing, shipping and hydrocarbons", agreed in the Foradori-Duncan Joint Communication of September 13, 2016." [2856]

April 12th, in the Falklands, Argentine lawyer Daniel Sebastian Ujhelly, a participant in the Stanley marathon, is fined for an offence related to the attempted illegal export of munitions from the Islands. [2857]

May 2nd, in Grenada, the Special Decolonization Committee's 3-day regional seminar opens with a video message from the UN Secretary-General, urging a "*renewed commitment*" to accelerate the decolonization process.

UN expert Judith Bourne informs the meeting that during the previous 29 years only one territory had been decolonized, and one had returned to the list. She asserts; *"many of the peoples of today's Non-Self-Governing Territories have little or no knowledge of the three self-determination options, and demonstrate no generalized impulse towards self-determination, … emphasizing that "this should not be seen as a lack of desire, but as a lack of information"…"* [2858]

2856 Draft Resolution (1539-D-2019) of the Chamber of Deputies entitled *Pedido de informes al poder ejecutivo sobre diversas cuestiones relacionadas con las declaraciones del señor Mark Kent, embajador del Reino Unido de Gran Bretaña, sobre las Islas Malvinas, Georgias del sur y Sandwich del sur y los espacios maritimos circundantes.* (*Request for reports to the executive branch on various issues related to the statements of Mr. Mark Kent, Ambassador of the United Kingdom of Great Britain, on the Falkland Islands, South Georgia and the Southern Sandwich and the maritime spaces surrounding.*) submitted April 5, 2019. See https://www.hcdn.gob.ar/proyectos/proyectoTP.jsp?exp=1539-D-2019

2857 Ammunition from 1982 picked up during a Battlefield Tour.

2858 UN press release *GA/COL/3332*. Grenada became an independent country in 1974.

May 3rd, at the seminar, speakers express; *"... diverging views today over the manner in which Charter principles of the United Nations such as self-determination and territorial integrity apply to Western Sahara, the Falkland Islands and Gibraltar."*

> *"As the Special Committee turned to another question, a participant from the Falkland Islands (Malvinas) said the United Kingdom has no doubt about its sovereignty over the Territory nor about the principle and the right of its inhabitants to self-determination. He recalled that Argentina's attempt, within the Fourth Committee (Special Political and Decolonization) in 2008, to remove the right of self-determination in "disputed" territories was defeated.*
>
> *Argentina's representative said the ... United Nations did not consider the principle of self-determination to be applicable to this situation, he said, explaining further that none of the relevant resolutions of the General Assembly nor of the Special Committee accepts, expresses or supposes that such a principle can be applied by virtue of the specificity of the case. Moreover, in 1985, the Assembly expressly rejected two British attempts to incorporate the principle of self-determination into the draft resolution on the question of the Malvinas Islands, he added."* [2859]

May 4th, the Chair of the Special Committee on Decolonization, speaking in her home nation, refers to "*good and constructive discussions*" during the 3-day seminar before closing the event. [2860]

May 6th, in Britain's *The Times* newspaper:

> *"Argentine nationalists have been accused of travelling to the Falklands dressed in combat gear and intimidating residents. Politicians in the British overseas territory are considering introducing a blacklisting system to halt the "intimidation" as the problem has escalated. Groups of up to a dozen men, sometimes clad in camouflage, arrive in the territory once a month on the sole inward flight that stops off in Argentina en route to the islands from Chile. They stay for a week until the outward flight via Argentina leaves again. They have been accused of causing distress to islanders by seeking to provoke arguments and by filming incendiary videos, later posted on social media, in which they declare that the territory belongs to Argentina."* [2861]

May 8th, from Stanley, made aware that Argentina's Chess Federation is claiming that a number of tournaments have been held in 'Puerto Argentino', the Falklands government complain to the World Chess Federation (FIDE).

"It has been brought to our attention that from 26-28 March 2019, a chess tournament entitled 'Tourneo de Ajedrez Islas del Sur' ('Chess Tournament of the South Islands') took place at Lafone House here in our capital city of Stanley, but was registered by the tournament adjudicator Mario Petrucci as having taken place in Argentina." [2862]

2859 UN press release *GA/COL/3334.* See 1985. Also, 2008

2860 A fine example of the Sisyphean motion which the Falklands issue has become. Much the same had been said the year before, and the year before that, and indeed every year since the Special Committee on Decolonization opted to have three expenses-paid days away at exotic locations. Although never in controversial territories such as the Falklands or Gibraltar. Or, indeed, any of the listed NSGTs despite the promises made to Secretary-General Ban Ki-moon. Revealing were the comments by the UN's supposed 'expert' who pointed out that the Special Committee had achieved absolutely nil result in the previous 29 years. She could have added that the Committee had relatively little effect on the decolonizations before that. This farce is long overdue for closure despite Grenada, which has hosted the event four times, being likely to see a loss of credit-card revenue.

2861 *Argentinians in combat gear stir up trouble in Falklands* Lucy Fisher *The Times* May 6, 2019

2862 FIDE responded in June, 2019 (below) See - https://www.englishchess.org.uk/wp-content/uploads/2019/05/20190508-Mr-Dvorkovich-FIDE-Chess.pdf

"On the 26th to 28th March 2019, the Argentinian Chess Federation organised a chess tournament on the Falkland Islands at the Lafone House in Stanley. This followed a similar event in September 2018. The ratings files and Argentinian Chess Federation reports can be seen in the links below. The English Chess Federation administers chess activity in British Overseas Territories who are not members of FIDE in their own right. We view the staging of these clandestine tournaments as an unacceptable breach of our jurisdiction. The activity is also a diplomatic provocation." [2863]

May 16th, *MercoPress: South Atlantic News Agency* reports:

> *"Foreign minister Jorge Faurie strongly denied in Congress on Wednesday that the Argentine government was ready to "handover" the disputed Malvinas Islands to the British, and likewise defended the current proximity policy of president Mauricio Macri administration towards the South Atlantic issue. Several Senators from the Foreign Relations committee claimed that Argentina was allegedly in negotiations to consider the UK as a coastal state, but minister Faurie vehemently replied that "not president Macri or any official from his administration has ever worked to deliver or handover the Malvinas". "There are no grounds to sustain that Argentina is discussing the handing over of its natural resources", insisted Faurie in reply to criticisms from Tierra del Fuego governor Rosana Bertone who belongs to the Peronist opposition party. Besides the Falklands figure as part of the Tierra del Fuego province insular territory.*
>
> *Bertone argued that the Macri administration was working to recognize the UK as a coastal state, as part of a major fisheries and EEZ discussion referred to the Falkland Islands, and if this was the case, "It would mean the end of our claim over the Malvinas" insisted the Tierra del Fuego governor. Recognizing the UK as a coastal state would mean for Argentina the recognition of Falklands sea coast and jurisdiction over those disputed waters.*
>
> *But Faurie rejected Bertone's claim of fisheries negotiations with the UK on this field, and insisted there is no peril for Argentina's claim over the Malvinas or other South Atlantic Islands. "The foreign ministry is well aware it cannot reach an accord with a country such as the UK, with which we have a sovereignty dispute, and we will not recognize it as a coastal state" underlined Faurie. The minister explained that discussions refer to several countries which are involved in "abusive fishing" (such as China and Spain) at mile 201 of international waters, and the purpose is to deter this practice. "This, said Faurie, has a direct impact on several marine migrating species which move on both sides of mile 200 and are caught in the high seas by vessels from these countries and obviously affect conservation"."*

May 22nd, in New York, at the UN, British Ambassador Karen Pierce responds to a resolution on the British Indian Ocean Territory (Chagos):

> *"Madam President, the United Kingdom is not in doubt about our sovereignty over the British Indian Ocean Territory. It has been under continuous British sovereignty since 1814. Contrary to what has been said today, it has never been part of the Republic of Mauritius....*
>
> *I'd like finally Madam President to turn to a point that was made in the debate. I should state that the UK's well-known position on the Falkland Islands remains unchanged.*

2863 English Chess Federation May 31, 2019. See - https://www.englishchess.org.uk/wp-content/uploads/2019/05/ECF-Falklands-Statement-190528.pdf & https://www.englishchess.org.uk/ecf-falklands-statement/

We welcome the principle and the right of the Falkland Islanders to self-determination as enshrined in the UN charter and this means there can be no dialogue on sovereignty unless and until the Falkland Islanders so wish." [2864]

"... with regard to possible consequences of the UN resolution to the Falklands, respected expert in international law, Stephen Potts, has written, "to equate the removal of a garrison and their families that had been present on the Falklands for three months in 1833 to the removal of the Chagos islanders in 1965 stretches the imagination. It is also reasonable to say that the international law on self-determination and UN Charter on territorial integrity cannot be applied retroactively to the 19th century"." [2865]

June 3rd, the World Chess Federation (FIDE) releases a statement concerning an application by the Argentine Chess Federation to have three games held in 'Puerto Argentino' listed as FIDE official matches.

"*FIDE has received a complaint that, between September 2018 and March 2019, two tournaments and a chess match, which took place in Stanley, in the British Overseas Territory of the Falkland Islands, were filed for consideration for FIDE rating by the Argentine Chess Federation.*

Federations reserve the exclusive right to submit tournaments for rating which take place in their territory. Because this was not done, and no attempt was made to seek permission or even inform the English Chess Federation, under whose purview chess in the Falkland Islands comes, the FIDE Qualification Commission will exclude these tournaments from rating. FIDE urges all federations to refrain from using chess tournaments for political purposes."

June 10th, on its - "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector.", Argentina writes to the United Nations.[2866]

"On 10 June we commemorate a new anniversary of the creation, in 1829, of the Political and Military Commandancy for the Malvinas Islands and the islands adjacent to Cape Horn in the Atlantic Ocean. Its creation was the affirmation of our sovereignty which, since our emancipation, we have exercised over this territory and other islands in the South Atlantic, as legitimate successors of Spain. During those years, legislation was enacted from Buenos Aires and legal and administrative structures were established that consolidated the full exercise of our sovereignty, promoting the development of commercial activities, the settlement of a population and the establishment of a local government on the date we commemorate today, with Luis Vernet being appointed Governor. This effective exercise of sovereignty was interrupted on 3 January 1833, when the United Kingdom expelled, through an act of force, the legitimate Argentine authorities and the population that had settled there, disrupting our country's territorial integrity." [2867]

June 11th, from Geneva, the Red Cross (ICRC) announce that the remains of another previously unidentified combatant at the Argentine Military Cemetery has been named.

2864 *Statement and explanation of vote on the resolution on the British Indian Ocean Territory by Ambassador Karen Pierce, UK Permanent Representative to the UN* published June 21, 2019. See - https://www.gov.uk/government/speeches/resolution-on-the-british-indian-ocean-territory

2865 *MercoPress* May 24, 2019.

2866 *UN Doc A/73/904: Letter dated 10 June 2019 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General.* Available here - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/181/62/pdf/N1918162.pdf?OpenElement

2867 The usual distorted perception of historical events.

"Thanks to the first phase of the Humanitarian Project Plan, only six soldiers are still named with the iconic phrase "known only to God" on the crosses erected over their graves. One of those bodies has already been identified, but, at the request of his family, his last name was not included on the plaque. "In the remaining cases," explains Virginia Urquizi, "the families are unwilling to provide the samples, or there are no living descendants left to take them." ..." [2868]

June 14th, in the Falklands, Islanders hold a ceremony in memory of the liberation of the Islands in 1982.

June 22nd, Britain's *Mail on Sunday* newspaper reports:

> *"The ashes of the notorious Argentine general who oversaw the brutal occupation of the Falklands have been scattered in secret on the islands after being smuggled over in a Tupperware box, The Mail on Sunday can reveal. Islanders have reacted with fury after learning that the remains of Mario Menendez have been left on a battlefield where 23 British soldiers were killed, and also in the grounds of Government House in the capital, Port Stanley. As military governor after the invasion in April 1982, Menendez held islanders prisoner and subjected them to beatings, leaving many in fear of their lives. ... His ashes were taken to the Falklands by an Argentinian woman in December 2015, shortly after his death at the age of 85."* [2869]

"Some were scattered on Mount Longdon, site of a pivotal battle in which 23 British troops died before Argentine forces were defeated in a key setback for the regime of General Galtieri, who had laid claim to the islands Argentines call the Malvinas. Menendez's remains were also left at Government House, the official residence he requisitioned from the Governor of the Falkland Islands, Sir Rex Hunt, and in the cemetery for the Argentine dead. The story only recently emerged in the Argentine press and has now been confirmed by the MoS. The ashes of Menendez's son Benja, who fought in the war, have also been secretly scattered in the garden of a bed-and-breakfast on the Falklands after being smuggled in a packet of herbal tea in 2017. He had died at 59 from a heart attack. Gen. Menendez was hated by islanders and his compatriots alike. In Argentina, he was branded a coward for surrendering to the British against the orders of military dictator Leopoldo Galtieri." [2870]

June 25th, in New York, at the United Nations, the Special Committee on Decolonization meets to consider the question of the Falkland Islands.[2871] Representing the Falklands people are Members of the Legislative Assembly, Roger Edwards and Roger Spink. Petitioners for Argentina are Clifton and Luis Gustavo Vernet.

2868 *Malvinas: los detalles del plan para concluir la identificacion de los soldados enterrados en las islas* in *Página 12* April 1, 2025. In September, 2024 it was announced that another round of identifications had been agreed between Argentina and the UK. No date for the work, however, was given. No further information (2025).

2869 There is no evidence that any Islander was "beaten". See - https://www.dailymail.co.uk/news/article-7170865/Argentinians-sneak-hated-generals-ashes-Tupperware-box-Falklands-battlefield.html

2870 *MercoPress* June 23, 2019

2871 *UN Doc A/AC.109/2019/SR.7 Summary record of the 7th meeting.* See - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/191/90/PDF/N1919190.pdf?OpenElement

Falklands MLA Roger Edwards addresses the Special Committee:

> *"I wish to remind this Committee that it is not charged by the Secretary General nor by the General Assembly with discussing or resolving sovereignty disputes nor to advance, or support, claims to the Falkland Islands, or any other territory – any reference to sovereignty is an abuse of this committee's purpose. I trust, Madame Chairman that you will enforce strict ruling to keep to the agenda and to the mandate of this committee. … I will conclude by asking all 29 members of this Committee to ignore the unjust and false claims put forward by Argentina and to remain true to the mandate of this Committee... I ask that the Committee acknowledge the Falkland Islanders right to be recognized as a people and as such their right to self-determination"* [2872]

MLA Roger Spink tells the Committee; *"I am pleased to be representing my country here at the United Nations, … to defend my country against the support that some members of this Committee give to the colonial aspirations of Argentina... We are not a colony of the United Kingdom, but an Overseas Territory, that has progressed well beyond colonial status. We have expressed our clear wish, in a free, open and internationally observed referendum in 2013, to remain an Overseas Territory of the United Kingdom, with HM The Queen as Head of State... I say now to the Argentine representatives stop behaving like an envious and greedy colonial power wishing to conquer and subjugate the people of the Falkland Islands and start behaving like a 21st century member of the world community respecting democratic rights and living and working in harmony with your neighbors. I ask the members of the C24 to cast aside their preconceptions and to come and see for themselves the modern thriving Falkland Islands and its rightful people."* [2873]

"Mr. Clifton said that the Malvinas Islands suffered from deteriorating natural resources, low productivity and remoteness from centres of consumption. One of the best ways to address such problems was through training interchanges. … Historically, colonialism had been an obstacle to development and Argentina continued to suffer as a result of the illegal occupation of part of its territory. Colonialism must be eradicated, taking into account the particular characteristics of each case, in order to be able to maximize the opportunities for development. … Mr. Vernet said that he was the great-great-grandson of the first Argentine governor of the Malvinas Islands, Luis Vernet, and a living testimony to the Argentine citizens who had inhabited the Islands before being expelled by force. An Argentine flag had been raised on the Malvinas Islands in 1820, and his great-great-grandfather and an associate had been granted a permit to raise livestock there by the governor of Buenos Aires in 1823. By 1824, a permanent settlement of Argentine citizens had been established and Vernet himself had relocated to the Malvinas Islands in 1826. The land titles of Vernet and his associate had been certified by the British vice-consul without objection. In 1829, Vernet had been appointed governor of the Islands. It was notable that, in the Treaty of Friendship, Trade and Navigation concluded between Argentina and the United Kingdom in 1825, the United Kingdom had raised no objections to the permit or to the raising of the Argentine flag." [2874]

2872 Copy of the speech quoted in *MercoPress: South Atlantic News Agency* June 25, 2019. See also *UN Doc A/AC.109/2019/SR.7* for a summary.

2873 *Ibid*.

2874 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020.* Inaccurate, at best. Buenos Aires issued a *usufruct* to hunt wild cattle in 1823 to Vernet's partner, Pacheco. This was passed to an Englishman, Schofield, who led an expedition to the Islands in 1824. That expedition failed and had to be rescued. The last survivors being taken off by a British ship. There was no attempt to form a settlement until 1826 and Vernet had tacit British consent from 1828. In 1825, during negotiations for a treaty, Buenos Aires had been asked to supply all relevant information about territory. At that time, Buenos Aires made no claim to the Falkland Islands (see 1824/5). In 1829, Vernet was made Military and Political Commander' by Buenos Aires, an appointment immediately protested by the UK. Vernet left the Islands in 1831, never to return.

Chile, acting on behalf of Bolivia, Cuba, Ecuador and Nicaragua, introduces the annual draft-resolution.

> *1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;…"* [2875]

Speaking as an observer, Argentina's Foreign Minister, Jorge Marcelo Faurie asserts that; *"The time that has passed has not diminished the validity of our claim …"* [2876]

"All political parties in Argentina were in agreement on the issue, as evidenced by the representatives of different political parties who had accompanied him to the meeting. The question of the Malvinas Islands was a special and particular colonial situation given the underlying sovereignty dispute. … In none of the United Nations resolutions on the question of the Malvinas Islands was there any reference to the principle of self-determination, and previous attempts to incorporate such references had been rejected. The application of the principle of self-determination required the existence of a people subjected to colonial domination. That principle therefore did not apply to the inhabitants of the Malvinas Islands, who had not been subjected to foreign domination and were not ethnically and culturally distinct from the administering Power … In none of the United Nations resolutions on the question of the Malvinas Islands was there any reference to the principle of self-determination, and previous attempts to incorporate such references had been rejected. The application of the principle of self-determination required the existence of a people subjected to colonial domination. That principle therefore did not apply to the inhabitants of the Malvinas Islands, who had not been subjected to foreign domination and were not ethnically and culturally distinct from the administering Power…" [2877]

The draft-resolution is adopted by consensus. [2878]

"7. Since (1999) the UK has maintained "informal cooperation" with the C24. It attends C24 meetings but does not sit in the UK seat, nor make any statements. Counsellors from the Falkland Islands address the Committee annually, to put forward their case. Representatives of the Gibraltar government have also petitioned the Committee. The UK continues, however, to be frustrated that the C24's resolutions on its OTs do not properly reflect developments in the territories, including their wish to retain links to the UK, nor explicitly acknowledge the Falkland Islanders or Gibraltarians right of self-determination." [2879]

June 26th, at the UN, Argentine Foreign Minister, Jorge Faurie, meets with UN Secretary-General Antonio Guterres. Faurie assures the Secretary-General that Britain's MP Boris Johnson is open to dialogue regarding the Falklands.

2875 *UN Doc A/Ac.109/2019/L.8*
2876 UN press release *GA/Col /3338* June 25, 2019.
2877 Minister Faurie quoted in *UN Doc A/AC.109/2019/SR.7 Summary record of the 7th meeting*
2878 And in the full knowledge that it would not be subsequently recommended for adoption by the General Assembly.
2879 On occasion, a representative from the British Mission to the UN may sit at the back of the room, despite a chair always being made available. This representative does not speak, merely taking notes. The UK formally left the Committee in 1970, together with the USA and other Administrative Powers. See - https://publications.parliament.uk/pa/cm201012/cmselect/cmfaff/writev/overseas/ot18.htm

Johnson is the Conservative Party candidate most likely to replace Theresa May as Party leader to become British Prime Minister. Faurie asks Guterres to continue with his 'good offices' in trying to persuade the UK to negotiate the archipelago's sovereignty. [2880]

As regards the ICJ Chagos Advisory Opinion, Faurie opines; *"This is a major blow to colonialism, a historic win for Mauritius and reinforces the juridical stand of Argentina in its claim over the Malvinas Islands, a valuable antecedent for Argentina's claim which will be incorporated to the C24 record."* [2881]

June 30th, at the end of the Falkland Islands financial year; *"Its total budget for 2019/20 is £116.9 million, with an operating budget of £75 million and a capital budget of £39.3 million, funded by taxation and resource rents of the Territory. The Territory continues to make every effort to maintain a balanced budget strategy and upholds the fiscal aim of no public sector borrowing for operating purposes."* [2882]

July 6th, an agreement is reached between the Falklands Islands Government and LATAM airlines for a weekly flight from Brazil to the Islands. With a once a month stop-over at Cordoba in Argentina. A first flight is planned for November.

"In accordance with the principles set out in the joint statement and exchange of letters of 14 July 1999, ... It had been agreed that annual bilateral discussions would be held on air services, which would include reviewing options for further connectivity. In that regard, the Government of Argentina reiterates its intention to continue bilateral discussions under the sovereignty formula in order to establish a direct flight between Buenos Aires and the Islands." [2883]

July 17th, in Buenos Aires, members of the Anglo-Argentine Scientific Subcommittee of the South Atlantic Fisheries Commission meet.

"The SAFC was first established in 1990 and this was the third meeting to take place since the reestablishment of regular meetings in 2018. The delegations consisted of officials representing the governments of the United Kingdom and Argentina, accompanied by representatives from the National Institute of Research and Development on Fisheries in Argentina and from the Department of Natural Resources in the Falkland Islands. Discussions focused on the exchange and analysis of fisheries data, and the results of the 2019 pre-recruit survey of Ilex squid stocks. Logistics and options for future joint research cruises were also considered." [2884]

"Under the formula on sovereignty contained in paragraph 2 of the joint declaration issued in Madrid on 19 October 1989, and following the joint communiqué of 13 September 2016, the Scientific Subcommittee of the South Atlantic Fisheries Commission met in Buenos Aires in ... July 2019,.. In 2019, exchanges of fisheries data continued and two joint research cruises were conducted to study the Illex squid and southern blue whiting."[2885]

August 14th, in the Falklands, Islanders celebrate the anniversary of the first recorded sighting of the archipelago in 1592, by Englishman, John Davis. [2886]

August 21st, in New York, the UN Special Committee on decolonization issues its annual report. As in previous years, the Special Committee notes its Falklands resolution but does not then include it amongst the list of recommendations. [2887]

2880 *MercoPress* June 27, 2019
2881 Quoted in *MercoPress* June 27, 2019. Quite how the ICJ opinion reinforced Argentina's claims was not explained.
2882 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020*
2883 *Ibid.*
2884 *MercoPress* July 20, 2019
2885 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020.*
2886 Ceased to be a public holiday in 2002.
2887 See https://digitallibrary.un.org/record/3828123?ln=en

"... nothing comes of it since the C24's mandate is merely to consider cases of colonialism against the background of the relevant United Nations resolutions and to report annually to the UN General Assembly on progress towards "the eradication of colonialism in all its forms". Thus the Committee is not empowered to make any territorial recommendations, and merely submits a report calling for negotiations." [2888]

September 3rd, in Buenos Aires, published in the National Gazette, National Executive Branch decree 602/2019 authorises the new weekly flight from South America to the Falkland Islands.[2889]

> *"The Brazillian flag company Tam Linhas Aereas SA is authorized to operate regular international air transport services for passengers, cargo and mail, using large aircraft, on the following routes: a) Sao Paulo (Federative Republic of Brazil) – Malvinas Islands (Province of Tierra del Fuego, Antarctica and South Atlantic Islands – Argentine Republic) – Sao Paulo (Federative Republic of Brazil); b) Sao Paulo (Federative Republic of Brazil) – Cordoba (Province of Cordoba – Argentine Republic) – Falkland Islands (Province of Tierra del Fuego, Antarctica and South Atlantic Islands – Argentine Republic) – San Pablo (Federative Republic of Brazil); c) San Pablo (Federative Republic of Brazil) - Malvinas Islands (Province of Tierra del Fuego, Antarctica and South Atlantic Islands – Argentine Republic) - Cordoba (Province of Cordoba – Argentine Republic) - San Pablo (Federative Republic of Brazil)."*

Signed by President Mauricio Macri, Cabinet Chief Marcos Peña, Foreign Minister Jorge Faurie and Transport Minister Guillermo Dietrich; thereby avoiding submitting the agreement to Congress.

"According to the experts' view, the Government adopted the form of a "joint communiqué" to avoid complying with the constitutional obligation to submit the international agreements signed by the Executive Power to the approval of the National Congress. ... Regarding flights, the statement states that the parties "agreed that additional air connections would be established between the Falkland Islands and third countries". This ignores the historical demand of Argentina to promote a second flight from the Argentine mainland and through the flag carrier, Aerolíneas Argentinas." [2890]

"Recently, the Minister of Foreign Affairs of the national Government, Jorge Faurie, was charged with "treason against the Fatherland", after being denounced for the agreement signed with Great Britain, which authorized the Latam company to carry out weekly flights from Brazil to the Islands Malvinas. The decision of the prosecutor Jorge Di Lello, which also extended to President Mauricio Macri and the Minister of Transport, Guillermo Dietrich, was taken from the complaint of the lawyer Valeria Laura Carreras as a result of decree 602/2019, which authorized the line Brazilian to travel from São Paulo to the Islands. Likewise, the lawyer asked Judge Luis Rodríguez to suspend the first flight scheduled for November 20 of this year, an indisputably controversial date, since it is the day on which National Sovereignty is celebrated. Indeed, the National Prosecutor's Office for Federal Criminal No. 1 questioned that the resolution had not been submitted to the opinion of the National Congress and clarified that it was its "institutional obligation" to adopt measures "in the face of the possible impairment of national sovereignty." ... In the journalistic note, Faurie not only invites the inhabitants of the Malvinas to our country, but also refers to them as "people". As a result of these statements, he was summoned by the Foreign Relations Commission of the National Congress for explanations. According to the official, a translation error was made since, according to his explanation, he used the word "population" to refer to the island population. However, a minute after his discharge and in the middle of the National Parliament Commission meeting, Faurie again used the category 'people' to refer to the

2888 Pascoe 2020 p.331
2889 Repealed July 3, 2023.
2890 *Falklands, three years after the illegitimate Foradori-Duncan agreement* Daniel Filmus in *InfoBae* Sept 16, 2019

inhabitants of the Islands. Therefore, in addition to the criminal complaint filed by the Confederation of Combatants, the bloc of the Front for Victory – PJ of the Chamber of Deputies of the Nation presented the request for impeachment to the Argentine Foreign Minister." [2891]

September 4th - 15th, in Uruguay, the Falkland Islands Tourist Board are once again are represented at Montevideo's *Expo Prado* agricultural show.

September 24th, in New York, Argentina's President Macri addresses the UN General Assembly at the opening of the new session. In his speech he reaffirms Argentina's claims of right to the Falkland Islands, South Georgia and the South Sandwich Islands. Exercising a right of reply, the UK responds by letter.

"In accordance with the published instructions on the right of reply, the United Kingdom would like to exercise its right of reply in response to a statement by the distinguished representative of Argentina. On 24 September, during the general debate under agenda item 8 of the seventy-fourth session of the General Assembly, the representative of Argentina made reference to the Falkland Islands, further to which the United Kingdom wishes to place the following statement in the official record of proceedings: The United Kingdom has no doubt about its sovereignty over the Falkland Islands and South Georgia and South Sandwich Islands, and the surrounding maritime areas of both territories, nor about the principle and the right of the Falkland Islanders to self-determination, as enshrined in the Charter of the United Nations and in article 1 of the two Covenants on human rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development. This means there can be no dialogue on sovereignty unless the Falkland Islanders so wish." [2892]

October 7th - 16th, the UN's Fourth Committee commences its annual consideration of the work of the Special Committee on Decolonization. [2893]

"At the 2nd, 6th, 7th and 8th meetings, on 7, 11, 15 and 16 October 2019, of the Fourth Committee of the General Assembly at its seventy-fourth session, during the debate on decolonization items, the delegations of Argentina, Antigua and Barbuda, Bolivia ..., Brazil..., Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, the United Kingdom and Uruguay addressed the question of the Falkland Islands (Malvinas)." [2894]

At the end of its consideration of decolonization matters, the Fourth Committee forwards all of the Decolonization Committee's resolutions to the General Assembly for adoption, with one exception. That regarding the Falkland Islands NSGT. Exercising a right of reply to the statements made during the sessions, the UK's representative addresses the Committee.

"At the 7th meeting, on 15 October, the representative of the United Kingdom stated that the relationship of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. She added that the Joint Ministerial Council was the primary forum for annual high-level political dialogue between the United Kingdom and the territories and had a mandate to monitor and advance collective priorities, in the spirit of partnership. She stated that her Government's fundamental responsibility and objective under international law, including the Charter of the United Nations, was to ensure the security and good governance of the territories and their

2891 *The causes weighing on Chancellor Faurie* article in *PalSur* November 17, 2019

2892 *UN Doc A/74/456: Letter dated 25 September 2019 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland addressed to the Secretary-General*. This refutation, was rejected by a further letter from Argentina to the UN Secretary-General of November 28, 2019 (*A/74/568*). See below

2893 *UN Docs A/C.4/74/SR.2, SR.6, SR.7 & SR.8*

2894 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020*

peoples and that territorial Governments were expected to meet the same high standards as the Government of the United Kingdom in maintaining the rule of law, respect for human rights and integrity in public life, delivering efficient public services and building strong and successful communities and were being supported by her Government in those areas. She explained that her Government was fully committed to involving all overseas territories in the negotiations on leaving the European Union. To that end, the administering Power had established a joint ministerial committee on European Union negotiations to discuss the priorities of overseas territories. The representative stated that the United Kingdom had no doubt about its sovereignty over the Falkland Islands and South Georgia Islands and South Sandwich Islands and the surrounding maritime areas of both territories, nor about the right of the Falkland Islanders to self-determination, as enshrined in the Charter of the United Nations and in the two international Covenants on human rights, by virtue of which they freely determined their political status and freely pursued their economic, social and cultural development. She stated that consequently no dialogue on sovereignty could be held unless the Falkland Islanders so desired. Given the results of the 2013 referendum, in which 99.8 per cent of voters had voted to maintain their status as an overseas territory of the United Kingdom, it was clear that they had no desire for such dialogue, and their wishes should be respected." [2895]

October 9th, from Buenos Aires, Argentina's government issues a press statement.

"Since 2013, the energy authorities of Argentina have carried out administrative proceedings against companies developing unauthorized hydrocarbon exploration activities in the area. Argentina sent advisory letters to companies directly or indirectly involved in those activities... In a press statement issued on 9 October 2019, Argentina urged the companies and other entities to refrain from financing or participating in the exploration or exploitation of hydrocarbons in the area under dispute, as these activities were subject to administrative and judicial legal actions, in accordance with the legislation of Argentina. ... the United Kingdom continued to make clear to Argentina its position that, under international law, the continental shelf did not form part of Argentina; supported the right of the Islanders to develop their natural resources for their own economic benefit as an integral part of their right of self-determination; and rejected the applicability of the domestic legislation of Argentina to those companies engaged in the Islands' hydrocarbon activities." [2896]

October 10th, in New York, Argentina complains to the UN Secretary-General:

> *"I have the honour to refer to the unlawful military exercises to be conducted by the United Kingdom of Great Britain and Northern Ireland in the area of the Malvinas Islands between 15 and 29 October 2018, which will include the launch of missiles. As you are aware, the Argentine Republic has consistently rejected the conduct of these military exercises in Argentine territory unlawfully occupied by the United Kingdom, which is ignoring numerous resolutions of the United Nations and other international bodies that urge the two countries to resume negotiations, in order to find a peaceful and definitive solution to the sovereignty dispute.*
>
> *The persistence of the United Kingdom in carrying out military manoeuvres in the South Atlantic is in violation, especially, of General Assembly resolution 31/49, which calls upon the two parties to refrain from introducing unilateral modifications in the situation while the negotiating process recommended by that Assembly proceeds."* [2897]

2895 *Ibid.*
2896 *Ibid.*
2897 *UN Doc A/73/445*

In London, Richard Hyslop takes over from retiring Sukey Cameron as the Falklands' UK representative.

"Ten Falkland Islands former Governors took Sukey Cameron MBE to lunch to mark her retirement as Falkland Islands Government Representative in London. Ms. Cameron told Penguin News she believed it was the first occasion that they have all been together. ... She attended 32 consecutive party conferences seasons representing the Falkland Islands Government. In recognition, of her incredible achievement Sukey was presented an award by Emily Thornberry MP from the Labour Party and was featured in the Conservative Party conference program and gifted a bottle of champagne by James Cleverly MP from the Conservative Party." [2898]

October 12th, in Tierra del Fuego, a conference considers the 1989 Anglo-Argentine accord.

"..."Thirty years since the Madrid Treaty: rethinking a new national strategy for Malvinas", was the heading of the conference held in the extreme south Argentine province of Tierra del Fuego with the participation of the governor, Rosana Bertone, former foreign minister Jorge Bielsa, and the Malvinas Question related affairs Secretary, Jorge Arguello a diplomat and one of possible foreign minister names if the opposition candidate Alberto Fernandez wins the presidential election this month. In October 1989, UK and Argentina agreed to re-establish full diplomatic relations which included a raft of understandings regarding fishing, oil, shipping. connectivity in the post 1982 South Atlantic conflict scenario. These understandings were followed by a good neighbors' approach and collaboration under president Carlos Menen and his anglophile foreign minister Guido Di Tella with his seduction policy. ... Governor Bertone claimed that the Foradori/Duncan deal was done behind Congress and the back of Tierra del Fuego province, which under the official denomination also includes South Atlantic Islands, Malvinas and Antarctica. She also recalled that when it comes to fisheries, hydrocarbons and communications, "Argentina has only seen the consolidation of the British position in the South Atlantic instead of London accepting to begin sovereignty negotiations. The policy of pleasing the Brits once again has shown to be a great fallacy. An example is Antarctica, following an agreement on Antarctic cooperation with the UK, they register and flag their newest state of the art exploration vessel in the Malvinas. A clear provocation and again a sample of the different unilateral actions they have taken", insisted Bertone." [2899]

October 27th, elections in Argentina are held to select a President, members of the National Congress and provincial Governors. Alberto Fernández wins the Presidential election. [2900]

October 30th, in St. Peter's Square, Rome, Pope Francis oversees an exchange of statues of Our Lady of Luján.[2901]

"In a conciliatory gesture 37 years after the Falklands War, military bishops from Great Britain and Argentina exchanged statues of the Virgin Mary Wednesday in St. Peter's Square. Argentine troops brought a statue of Our Lady of Lujan, patroness of Argentina, with them as they invaded the Falkland Islands, a British overseas territory in the South Atlantic, in April 1982. When the military conflict ended fewer than three months later in a victory for Britain's Royal Navy, the Marian statue, left in a church during the Argentine retreat, was

2898 *MercoPress* October 11, 2019.

2899 *MercoPress* October 12, 2019

2900 Part of a centre-left (Peronist) coalition, former President Cristina Fernandez de Kirchner was to be Argentina's Vice President. See 2003 to 2015.

2901 Taken out to the Falklands by Argentina's invading forces in April, 1982. I am unable to ascertain which unit took out the statue or when exactly it arrived. Retrieved after the British victory by Father Alf Hays, a military chaplain. Any suggestion that the statue was "held hostage" for 37 years is ridiculous. Once back in Argentina the statue was toured around the country as a symbol of the 1982 invasion. In December, 2024, an attempt was made to "return" the statue to the Falkland Islands, but it was discovered and not allowed off the aircraft.

brought to Great Britain. The statue of Our Lady of Lujan was subsequently placed in the Cathedral of St. Michael and St. George in Aldershot where it remained until this month. Bishop Paul Mason of the UK Forces returned the statue Oct. 30 to Bishop Santiago Olivera of the Argentine Forces in St. Peter's Square after the pope's General Audience. In return, Bishop Olivera offered a replica statue to serve as its replacement in the Aldershot cathedral." [2902]

November 7th, in the UK, at a book launch at London University, author Grace Livingstone claims that the Foreign and Commonwealth Office had deliberately destroyed 322 files dating from the 1970s and early 1980s. Files containing information regarding high level contacts between Britain and Argentina in the period before the 1982 Falklands War. [2903]

"Her research lasted three years. ... Eventually, she realised there appeared to be some missing letters and emails. So, she fired off a Freedom of Information request – and back came the reply that 322 folders covering the 1970s and early 80s had been disposed of." [2904]

November 15th, Argentina announces that a further Argentine combatant has been identified in the cemetery in the Falkland Islands.

November 16th, the UK reports on the progress of demining in the Falklands; *"According to the administering Power, as at 16 November 2019, approximately 21,500,000 m2 of land has been cleared and 10,080 mines destroyed since 2009. There are 10 minefields left to be cleared of the original 129 sites, and work is expected to be completed by the end of 2020."* [2905]

November 19th, in London, it is announced that the UK's Hydrographic Office will be conducting a mapping survey of the seabed around the Falklands archipelago; *"As part of the UK government's Overseas Seabed Mapping Programme, the UKHO will lead the collection of this data through vessel-based seabed mapping surveys of the Falkland Island coastal waters. Data from these surveys will initially be used to update nautical charts to support safe and efficient navigation for ships using the Falkland Island waters."* [2906]

In Argentina, on the same day, an legal attempt is made to prevent the flight from São Paulo in Brazil to the Falkland Islands, from taking off. Judge Luis Rofriguez refuses to suspend the link.

"The cautionary measures were requested by solicitor Valeria Laura Carreras on 24 September who claimed alleged irregularities in the UK/Argentina bilateral relation by the administration of President Mauricio Macri. Based on this the Prosecution had accused president Macri, Transport minister Guillermo Dietrich and foreign affairs minister Jorge Faurie for their alleged "treason of the Motherland", in the question referred to the flight to Malvinas." [2907]

Argentina's government requests that the flight take place without ceremony or the attendance of officials.

November 20th, in the Falklands, the flight from São Paulo, Brazil, touches down at Mount Pleasant Airport. The first of the new weekly flights from the South American mainland to the archipelago. [2908]

2902 *British military bishop returns Marian statue taken during Falklands War* Catholic News Agency October 30, 2019.
2903 *Grace Finds Evidence of a Wartime Cover-Up* in the *Islington Tribune* November 8, 2019
2904 *Ibid.*
2905 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020*
2906 *GIM International* November 19, 2019
2907 *MercoPress* November 19, 2019
2908 See March 30, 2020, below.

"The elected government of the Falkland Islands announced that a new era has opened Islands with the inaugural Second Flight from São Paulo, Brazil, touching down this Wednesday afternoon at Mount Pleasant Airport. ... FIG said the regular new link operated by LATAM Airlines Brazil will be a gateway to and from the Falklands, opening opportunities in trade and tourism, and improved travel choices for Falkland Islanders. A delegation of Legislative Assembly members, business leaders and Falkland Islands Government officials have travelled on the inaugural flight on a Boeing 767-300. ... With four return trips a month, LATAM Airlines Brazil will operate the service between Mount Pleasant and São Paulo; three of the return flights will be non-stop and once a month there will be a stop in Cordoba, Argentina on the southbound and northbound service respectively. This service will allow passengers to make onward connections to multiple destinations in South and North America, Europe, Africa and Asia. The commercial benefits to the Falkland Islands include an estimated increase in economic activity of over £2m annually as well as growth in tourist, retail and hospitality sectors. It represents the fulfilment of one of the key commitments of The Islands Plan 2018-2022 – the Legislative Assembly's blueprint for building a prosperous, productive and positive future for the nation – which is to strengthen the Falkland Islands' connections to the outside world. All flights are scheduled to arrive and depart on Wednesdays." [2909]

"In accordance with the principles set out in the joint statement and exchange of letters of 14 July 1999, a second weekly service operated by LATAM commenced on 20 November 2019 between the Falkland Islands (Malvinas) and São Paulo, Brazil, with two monthly stopovers (one in each direction) in Córdoba, mainland Argentina...." [2910]

"... a second weekly service operated by LATAM commenced on 20 November 2019 between the Falkland Islands (Malvinas) and São Paulo, Brazil, with two monthly stopovers (one in each direction) in Córdoba, mainland Argentina. The service was suspended in March 2020 owing to the COVID-19 pandemic. On 7 March 2023, the Government of Argentina issued Presidential Decree 112/2023 in which it stated that it had been decided to withdraw the authorization for that service." [2911]

November 28th, in a letter to the Secretary-General, Argentina responds to the UK's letter of September 25th.

> *"The principle of the self-determination of peoples is not applicable in this case. Indeed, in that connection, none of the resolutions of the General Assembly or the Special Committee on decolonization refer to that principle. Moreover, the General Assembly expressly rejected, on two occasions in 1985, British proposals to incorporate the principle of self-determination in the draft resolution on the question of the Malvinas Islands.*
>
> *The vote held in 2013 in the Malvinas Islands was not organized or conducted under the auspices of the United Nations, as was the case in other examples of decolonization. Therefore, in addition to being absolutely inappropriate because the principle of self-determination is not applicable to the question of the Malvinas Islands, that vote lacks any validity or effect, since the General Assembly did not intervene in any way."* [2912]

"In June and November 2019, the Government of Argentina requested the Secretary-General to renew his efforts to assist the parties in order to find as soon as possible a peaceful settlement of the dispute in the

2909 *MercoPress* November 21, 2019
2910 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020*
2911 *UN Doc A/AC.109/2025/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 19 February 2025*
2912 *UN Doc A/74/568: Letter dated 28 November 2019 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General.* A partial interpretation. See 1985.

framework of the mission of good offices that the General Assembly had entrusted to him through a series of resolutions, starting with its resolution 37/9, and that had received the renewed support of the Special Committee in its annual resolutions on the question of the Malvinas Islands. In that regard, despite the disposition of the Government of Argentina for dialogue and the call of the international community, the United Kingdom refuses to resume negotiations on sovereignty." [2913]

November 30th, Argentina's outgoing Foreign Minister, Jorge Faurie, submits a report to the government listing his ministry's achievements.

> *"We continued reaffirming the imprescriptible Argentine rights over the Malvinas, South Georgia, South Sandwich islands and adjoining maritime spaces and we advanced Antarctic policy as a State policy. We revitalized relations with the UK and at the same time advanced bilateral cooperation in areas of mutual interest with the purpose of generating the conditions that contribute to a definitive solution of the sovereignty dispute. We implemented the Humanitarian Project Plan for the identification of Argentine soldiers buried in the Darwin cemetery (Argentine Military Cemetery at Darwin).*
>
> *We achieved a milestone in the defense of our rights in the South Atlantic with the extension of the exterior limit of the continental shelf beyond the 200 miles, a historic accomplishment which strengthens Argentine sovereignty rights in such an important political, economic and strategic zone.*
>
> *We reestablished cooperation with UK in the exchange of scientific information for the conservation of fisheries resources in the South Atlantic, including joint scientific research cruises. We increased connections between the Argentine continental territory and the Islands through the establishment of a new flight between Sao Paulo and the Malvinas Islands with a stopover in Cordoba.*
>
> *We continued with actions against the illegal exploration and exploitation of natural resources in Argentine maritime spaces in defense of national sovereignty. We protested all unilateral actions undertaken by the UK in the disputed area to safeguard the national position.*
>
> *We continued to work in the framework of the Antarctic Treaty System, thus boosting the scientific development and Argentine presence in Antarctica."* [2914]

December 7th, in the Falklands, the Islanders commemorate the Battle of the Falklands 1914; with the Falklands Maritime Heritage Trust announcing the discovery of the wreck of SMS *Scharnhorst*. [2915]

> *"The wreck of a World War One German armoured cruiser has been located off the Falkland Islands, where it was sunk by the British navy 105 years ago. SMS Scharnhorst was the flagship of German Vice-Admiral Maximilian Graf von Spee's East Asia Squadron. It was sunk on 8 December 1914 with more than 800 men on board, including Vice-Adm von Spee himself. The leader of the search for the wreckage said the moment of discovery was "extraordinary". "We are often chasing shadows on the seabed, but when the Scharnhorst first appeared in the data flow, there was no doubt that this was*

2913 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020.* The UN General Assembly had last requested that the Secretary-General employ his "good offices" to bring together Argentina and the UK in 1988. Talks were held in 1989, and the Secretary-General reported in that year on the results of his work. There is no evidence of any work by the Secretary-General on this subject since 1989, despite requests from Argentina which appear designed to appeal to a home audience.

2914 Quoted in *MercoPress* November 30, 2019

2915 See 1914

one of the German fleet," Mensun Bound said. "Suddenly she just came out of the gloom with great guns poking in every direction," Mr Bound said. "As a Falkland Islander and a marine archaeologist, a discovery of this significance is an unforgettable, poignant moment in my life," he added. The search for SMS Scharnhorst began five years ago, on the 100th anniversary of the Battle of the Falkland Islands, but was not successful at first." [2916]

"The wreck of Admiral Graf von Spee's flagship – the powerful German battlecruiser SMS Scharnhorst which was sunk with the loss of all hands off the Falkland Islands on 8 December 1914 – has now been located lying on the seabed, battle scarred but largely intact. The WW1 Battle of the Falklands was significant in that it saw the destruction of Imperial Germany's only naval squadron operating outside the North Atlantic, avenging the Royal Navy's earlier defeat at the Battle of Coronel, off Chile, on 1 November 1914. The loss of life in both engagements was considerable. ... The search was organised by the Falklands Maritime Heritage Trust, which hopes eventually to locate the other German ships lost during the Falklands engagement – the Gneisenau, Nurnberg and Leipsig." [2917]

December 10th, in Buenos Aires, Argentina's new President, Alberto Fernández, is sworn in.

"*We reaffirm our strongest commitment to honor the First Transitory Clause of the Argentine Constitution and we shall work tirelessly to boost ...the legitimate and imprescriptible sovereignty claim over the Malvinas, South Georgia and South Sandwich Islands and corresponding maritime and insular spaces...*

We shall do it knowing that the peoples of Latin America and the world are supporting us, and convinced that the only possible way is peace and diplomacy. We shall honor the memory of those who fell fighting for sovereignty. We shall work for the peaceful resolution of the disagreement and based on the dialogue proposed by the United Nations Resolution 2065." [2918]

December 12th, in the UK, a General Election sees the Conservative Party take a majority. Party leader and former Foreign Secretary, Boris Johnson becomes Prime Minister.

December 20th, Boris Johnson sends a Christmas greeting to the Falkland Islanders.

"... let me reassure you that our support for your right to determine your own political status is not going to change. Just a few years ago a whopping 99.8 per cent of you voted to remain as a British overseas territory, and if you have learned one thing from my time as Prime Minister it is surely that I am not in the business of ignoring referendum results. But while that is not going to change, this year has shown, once again, that the people who call the Falklands home continue to evolve and adapt to better embrace the opportunities of a changing world. It's just what you do, what you have always done ever since Captain Strong first waded ashore all those years ago."

December 27th, an Argentine decree, 85/2019, returns Daniel Filmus to the Malvinas, Antarctica and South Atlantic Secretariat. A sinecure downgraded during the previous Presidency.

In Wuhan, China, reports of an outbreak of a respiratory syndrome – coronavirus 2 – reach world health organisations. [2919]

2916 *BBC News* December 5, 2019
2917 Falkland Islands Association December 5, 2019
2918 Quoted in *MercoPress* December 11, 2019
2919 See January 30, 2020, below.

2020 – January 3rd, in New York, Argentina publishes its annual press release on the 187th anniversary of the ejection of a Buenos Aires garrison from Soledad Island, in 1833, by British forces.

> *"On 3 January 1833, the Malvinas Islands, which are an integral part of the Argentine national territory, were illegally occupied by British forces who dislodged the Argentine population and authorities that had established themselves there legitimately. The Argentine Republic immediately protested that illegitimate act of force, to which it never consented...."*

Accompanied by a letter addressed to the Secretary-General of the United Nations. [2920]

> *"Over the 187 years of this usurpation, Argentina has at all times vigorously asserted its claim to exercise its effective sovereignty over the archipelagos and maritime areas in the South Atlantic which to this day remain occupied by the United Kingdom of Great Britain and Northern Ireland. ...*
>
> *In his recent inaugural address to the Legislative Assembly, President Alberto Fernández reaffirmed that the claim to exercise sovereignty over the Malvinas Islands is a State policy, transcending any partisan distinction, and emphasized that "there is no more room for colonialism in the twenty-first century". He also stated that, as a democracy, Argentina had no other path than diplomacy and peace to assert its claim.*
>
> *With the imminent commemoration of the bicentenary of the first raising of the national flag in the Malvinas Islands, on 6 November 1820, Argentina reiterates its willingness to resume negotiations with the United Kingdom in the same constructive spirit that, for nearly two decades after 1966, inspired both countries and led them to discuss various solutions..."* [2921]

January 6th, in Argentina, Malvinas Secretary Daniel Filmus announces a policy aimed at emphasising that Argentina is a "*bi-continental*" country which includes the Antarctic Peninsula and everything between. Filmus adds that the new strategy requires continuous demands for the UK to comply with UN General Assembly resolution 2065 of 1965. [2922]

"... Filmus said besides reaffirming a presence in the South Atlantic and Antarctica, "the Argentine sea (South Atlantic) is one of the richest in living and non living resources, which represents a great challenge for marine scientific research and conservation of bio diversity, and an excellent opportunity for international cooperation and regional integration." Filmus said that Argentina, to its approximately 4.799.000 square kilometers of territorial waters, now has added 1.782.000 sq km of continental shelf beyond the 200 miles, with rights over sea bed and below sea bed resources, according to the UN committee on continental shelf limits. This does not include the areas surrounding the Malvinas, South Georgia and South Sandwich Islands given the sovereignty dispute with the UK. "Active sovereignty presence in the continental shelf and its resources is strategic as is Argentina's membership of the Antarctic Treaty, we will work strongly to consolidate our maritime and Antarctic conscience," adding that in this framework the recovery of the Malvinas Islands is top priority of the Fernandez administration foreign policy." [2923]

2920 *UN Doc A/74/638: Letter dated 3 January 2020 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General.* Available here - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/002/47/pdf/N2000247.pdf?OpenElement

2921 Quite what flag the pirate/privateer David Jewett raised in the Falklands in 1820 is not clear. In his 1821 report to Buenos Aires, he failed to mention raising any flag or making any claim.

2922 UN GA Resolution 2065 (XX) of 1965 called for negotiations between the UK and Argentina regarding the Falkland Islands. Res. 2065 (XX), together with all previous Falklands UN GA resolutions, was replaced by UN GA resolution 40/21 of 1985 which, for the first time, failed to mention any previous resolutions. The last UN GA resolution regarding the Falkland Islands was in 1988. *cf.* 1965, 1985 & 1988 above.

2923 *MercoPress* January 6, 2020

January 30th, the World Health Organisation declares an "*public health emergency of international concern*" regarding the rapid spread of COVID-19.

February 18th, in Buenos Aires, at a meeting between Uruguayan Foreign Minister elect, Ernesto Talvi, and Argentina's Foreign Minister, Felipe Solá, a new Argentine Ambassador to Uruguay, Alberto Iribarne, is introduced.

"In effect in mid morning Tuesday the appointed ambassador in Uruguay, Alberto Iribarne, and a close confident of president Alberto Fernandez, summoned by the Argentine Senate Agreements Committee revealed that the Malvinas question was one of the outstanding issues of his future mission in Montevideo. Iribarne revealed that last year, "there had been thirteen military flights from Uruguay to the Malvinas Islands", which "violates a tacit understanding with our neighbors", because the only reason to support UK military aircraft in Montevideo is in emergency situations. Iribarne also added that he had to work on the respective visits of Uruguayan lawmakers to the Islands, and the reciprocal visits of Rural Societies from Uruguay and the Falklands, which he emphasized are examples of the existence of a strong British lobby in Uruguay in support of the Malvinas. ... it must be remembered that Uruguayan lawmakers particularly from the incoming "multicolor coalition" have been invited on several occasions to the Falklands and the father of the next president, he himself a former president, Luis Alberto Lacalle Herrera, has also been in the Falklands. ... As to UK military aircraft linked to the Falklands landing in Carrasco on emergency situations, ambassador Iribarne said that thirteen in one year "is a bit too much, more than once a month". However UK military aircraft, either coming or going to the Islands, have also been landing in south Brazil airports and this situation was exposed and denounced by the Macri administration." [2924]

February 20th, in New York, the UK's mission responds to Argentina's letter of January 3rd.

> *"The United Kingdom is clear about both the historical and legal position on the sovereignty of the Falkland Islands. No civilian population was expelled from the Falkland Islands on 3 January 1833. An Argentine military garrison had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine military garrison on 3 January 1833.*
>
> *The civilian population, **who had previously sought and received British permission to reside on the Islands**, were encouraged to remain. The majority voluntarily chose to do so.*
>
> *In 1833, the territorial borders of the Republic of Argentina did not include the geographical southern half of its present form, nor any territory in the Falkland Islands, Antarctica, or South Georgia and the South Sandwich Islands.*
>
> *The land that now forms the Argentine province of Tierra del Fuego, of which the Republic of Argentina purportedly claims the Falkland Islands forms a part, did not itself form part of the Republic of Argentina until approximately half a century after 1833, by which time the current Falkland Islands people had lived and raised two generations on the Islands. British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina even existed. ..."*[2925]

2924 *Argentina pressing Uruguay on Falklands' RAF flights landing in Carrasco* in *MercoPress* February 21, 2020. The Uruguayan Foreign Minister elect's responses were not published.

2925 *UN Doc A/74/721:Letter dated 20 February 2020 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General.* My emphasis. See below.

February 21st, at the UN, Secretary-General António Guterres addresses the opening session of the Special Committee on Decolonization.

> *"As we prepare to celebrate the seventy-fifth anniversary of the United Nations in October, we have an opportunity to look back at the achievements of this Organization. Decolonization is certainly one of the most significant chapters in the UN's history and this Special Committee has played a key role. In 1946, 72 Territories were placed on the original list of Non-Self-Governing Territories. Today, this number stands at 17. We can all be proud of this achievement.* [2926]
>
> *We must not forget that the* ***peoples in those 17 Territories are still waiting for the promise of self-government to be fulfilled****, in accordance with Chapter XI of the United Nations Charter, the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, and relevant United Nations resolutions.* [2927]
>
> *This year also marks the last year of the Third International Decade to Eradicate Colonialism. This milestone is an important opportunity to take stock of our progress. Given that the last Non-Self-Governing Territory to conclude its decolonization process was* ***Timor-Leste in 2002****, it is reasonable to ask: has the decolonization agenda reached an impasse? The answer is no. Things are moving, albeit at a slow pace....* [2928]
>
> *Decolonization is a process that has to be guided by the aspirations and needs of the communities living in the Territories. The concerns of the peoples of the Territories are varied, and it is our collective responsibility to amplify their voices....We must continue to serve as a forum for meaningful dialogue between Territories and administering Powers to enable the peoples of the Territories to make informed decisions about their future."* [2929]

"Not a word about territories in which the UN itself has decided and ratified that self-determination does not apply, in at least two conflicts, one of them Malvinas." [2930]

In **March**, a draft Bill is presented to the British Government for its consideration - *A Bill to provide for the representation of Crown Dependencies and Overseas Territories at the House of Commons of the United Kingdom of great Britain and Northern Ireland.*

"The UK government has no intention of taking forward proposed draft legislation that would give Overseas Territories and Crown Dependencies representation in the British Parliament, Governor Martyn Roper has said. Roper, responding to the Cayman Compass on Tuesday to queries about the Representation of the People, Crown Dependencies and Overseas Territories Bill, said the draft piece of legislation was put to the British government for consideration in March of this year. "This proposal, however, is emphatically not one that the UK Government wishes to take forward. It raises significant practical challenges. It is therefore very unlikely to proceed further or be debated in Parliament", he told the Compass .... This week, media reports from varying Overseas Territories highlighted the draft legislation which had been submitted to UK Prime Minister

2926 Of the 55 territories that achieved independence after 1946, the vast majority did so without any help from the UN or its Decolonization Committee.

2927 My emphasis. Seventeen. No exceptions.

2928 Writing in 2025, I can confirm that there have been no more. Indeed, with the exception of Western Sahara, there appears to be no great demand among the remaining territories for independence. The question gets raised in Bermuda every few years, but has not yet been pursued.

2929 UN Press Release *SG/SM/19982* February 21, 2020.

2930 *Malvinas: ¿Avances en la autodeterminación?* Andres Cisneros in *Clarin* April 1, 2020. There has never been a UN decision to suggest that the right of self-determination does not apply to the Falkland islands, or, indeed, to any other listed non-self governing territory.

Boris Johnson earlier this year. If passed by the UK Parliament, the legislation would see a total of nine MPs from the Overseas Territories and Crown Dependencies, including one from Cayman, being sent to sit in the House of Commons. The bill was drafted by former member of the States of Guernsey, Anthony Webber, and UK MPs John Penrose and Andrew Rosindell, a British Virgin Islands report stated." [2931]

March 11th, the World Health Organisation assesses that the COVID-19 outbreak has become a pandemic.

March 12th, the UN's Special Committee publishes its annual working paper on the Falkland Islands NSGT.[2932]

> *"In its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received."* [2933]

March 23rd, Argentina writes to the UN Secretary-General in response to the UK's February 20th reply to Argentina's January 3rd standard form letter. [2934]

> *"The Argentine Republic rejects each and every one of the claims contained in the aforementioned British reply, ... and reaffirms that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas are an integral part of Argentine national territory and, being illegally occupied by the United Kingdom since 1833,..*
>
> *The Malvinas Islands were part of the Viceroyalty of the Rio de la Plata, which effectively exercised its jurisdiction over the Islands, peacefully and uninterruptedly, from its creation in 1776 until the independence of the Argentine Republic. The latter, as the **legitimate heir of Spain**, took possession of the Malvinas Islands in 1820, and exercised effective and continuous authority over the Islands and the surrounding maritime areas until it was forcibly expelled in 1833 by the United Kingdom, which has never been able to show a valid title of sovereignty over the Islands.* [2935]
>
> *The assertion that in 1833 the territorial borders of the Argentine Republic did not include the geographical southern half of its present form is also false. On the contrary, the Argentine State, like the Spanish authorities that preceded it, always considered the southern regions as its own, exercising various acts of sovereignty over those areas...."*

March 30th, following the spread of COVID-19 world-wide, the airline *LATAM* suspends its services; including flights to the Falkland Islands from Chile and Brazil. The Atlantic Air-Bridge between Mount Pleasant Airport in the Falklands, and Brize Norton, in England, remains operative. [2936]

2931 *Cayman Compass* November 18, 2020. The Bill proposed the election of MPs for six constituencies, one of which would be known as the South Atlantic & Pacific to include the Falkland Islands, St, Helena (inc. Ascension and Tristan da Cunha), South Georgia and the South Sandwich Islands, the British Antarctic Territory and the Pitcairn Islands (inc. Henderson, Ducie and Oeno). The Falkland Islands have long been opposed to the idea of a single representative in the British Parliament, seeing greater advantage in being able to approach all of them.

2932 *UN Doc A/AC.109/2020/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020*

2933 Another year gone by without a call by any member State of the United Nations, including Argentina, for a General Assembly debate on the question of the Falkland islands.

2934 *UN Doc A/74/764:Letter dated 23 March 2020 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

2935 The concept of an inheritance of territory (*uti possidetis juris*) is not recognised by the UK Britain has maintained exclusive control over the whole archipelago since 1833. For the true history of 1820 and 1833.

2936 Flights remained suspended into 2021.

April 2nd, in Argentina, despite restrictions introduced in the face of the Corona virus pandemic, the commencement of the 1982 invasion of the Falkland islands is not forgotten.

"... "On April 2nd we claim sovereignty over our Malvinas Islands" was the message twitted by Argentine president Alberto Fernandez on the Malvinas War Veteran and Fallen Day, outstanding date in the official calendar of the country which recalls that 38 years ago, Argentine forces invaded the Falklands, triggering a conflict that would end 74 days later. As shown by "history, geography, Law, feeling and our fallen and former combatants, today, as every 2 April we claim our sovereignty and shout forever", Argentine Malvinas", the Argentine president published in his Twitter account. The president accompanied his message with a minute and a half video with images of fallen soldiers in the 1982 war against the British Task Force sent to recover the Falklands. Vice-president Cristina Fernandez also remembered the start of the war in a message in social networks praising the fallen in Malvinas "with pride, respect and honor". ... Given the lockdown in Argentina, commemorations were mostly in videos, social webs, and in some barracks, military and security forces, by raising the flag." [2937]

April 9th, at Stanley, the Falkland Islands Government announces restrictions on non-essential visitors to the Islands. While some members of the military at Mount Pleasant Airport test positive for the virus, no Islander is found to be infected, despite early fears. [2938]

April 17th, at South Georgia, HMS *Forth*, the Falkland Islands patrol ship, visits.

May 13th, against a background of falling oil prices, Premier Oil shelves its Falkland Islands' offshore project.

"UK-based oil and gas operator Premier Oil has said it has suspended the Sea Lion-1 oil project offshore the Falkland Islands. The company said the US$1.8 billion offshore oil project would be suspended to minimize ongoing spend in light of the current market conditions. "Sea Lion Phase 1 is complete from a technical aspect and all of the work which has been done to date is being fully documented, such that the project can be reactivated once the macroeconomic outlook improves", Premier Oil said." [2939]

May 23rd, *MercoPress: South Atlantic News Agency* reports:

> *"On Thursday (Argentina's Foreign Minister) Solá held a long conversation with Irish foreign affairs minister Simon Coveney. The minister started by thanking Irish authorities for the assistance provided during the funeral of the Argentine ambassador in Dublin, Laura Bernal. But the main issue was referred to the Falkland Islands in the context of current post Bexit negotiations between the European Union and the United Kingdom.*
>
> *Argentina is concerned, in the event of an accord with the European Union which regulates the future association of UK with the EU, about the implications it could have for "the Argentine territories of the Malvinas, South Georgia and South Sandwich Islands, under sovereignty dispute with the UK". Argentina would much appreciate Ireland's support so that the European Block, in the framework of the trade agreement signed with Mercosur, abstains from including the Malvinas Islands in the current negotiations with the UK, referred to the withdrawal of UK from the EU, in such a way that this relationship in the future, does not apply or have effects for the Islands."*

2937 *MercoPress* April 3, 2020
2938 Eventually, some 13 members of the armed forces in the Islands tested positive.
2939 *MercoPress* May 14, 2020

June 10th, Argentina celebrates its "Day for the Affirmation of Argentine Rights over the Malvinas, islands and Antarctic sector."

> *"Today, 10 June 2020, the Government and the people of the Argentine Republic are commemorating the 191st anniversary of the establishment of the Political and Military Command of the Malvinas Islands and the islands adjacent to Cape Horn by the Government of the Province of Buenos Aires.* ***From its very inception, the Argentine nation, having inherited the Spanish territories in the South Atlantic****, exercised on a* ***permanent basis*** *its rights over the islands located there, and established rules and legal and administrative structures that consolidated the full exercise of its sovereignty, including* ***promoting the development of commercial activities and the settlement of a population****."*[2940]

"If you tell a lie big enough and keep repeating it, people will eventually come to believe it. The lie can be maintained only for such time as the State can shield the people from the political, economic and/or military consequences of the lie. It thus becomes vitally important for the State to use all of its powers to repress dissent, for the truth is the mortal enemy of the lie, and thus by extension, the truth is the greatest enemy of the State."[2941]

In Buenos Aires, on the same day, the Argentine government initiates legislation to create a new border beyond its 200-mile limit. [2942]

"The new demarcation lines, proposed by Argentina in 2009 after over a decade of study, were "conceded by the technical commission of the United Nations in 2016," explained (Foreign Minister) Solá. "Now we're going to transform them into a national law," he added. "This is a second Argentina which belongs to us, inherent to Argentina proper, with 1.3 million square kilometres, obviously embracing the Malvinas, the Georgias, the [South] Sandwich islands and adjacent areas. Argentina has rights above and below the seabed and obviously over the waters," continued the minister. "A great part of that platform has been usurped by the United Kingdom and that's a conflict issue which motivates us to make this a law," he detailed. According to the minister, "establishing by law the publication of the coordinates of the Argentine continental platform will increase the legal security for granting concessions aimed at the exploration and exploitation of fossil fuels, minerals and sedentary species."..." [2943]

2940 *UN Doc A/74/889.* My emphasis. See 1829.
2941 Attributed to Nazi propaganda chief, Joseph Goebbels.
2942 See August, below.
2943 *Argentina pushes law to demarcate new continental platform, including Malvinas* in *Buenos Aires Times* June 12, 2020

"... the announcement of the sending of a bill from the Executive to the National Congress on the demarcation of the outer limit of the continental shelf of our country was again cause for some confusion regarding the scope of the Commission's recommendations, ..." [2944]

"Argentina claimed ownership of oil and other resources in what it called 'the Argentine continental shelf', which it greatly extended in 2020 by 650,000 square miles encompassing the Falklands and all other British territories in the South Atlantic and Antarctic, as well as all resources in the sea specifically targeting fisheries and oil. Its laws threaten fishery and oil firms with jail and fines, and confiscation of ships, drilling platforms and bank accounts. But Argentine domestic laws are not recognised as valid internationally." [2945]

June 11th, *Mercopress* reports:

> "*Three bills referred to Argentina's sovereignty claim over South Atlantic islands and adjoining maritime spaces will be sent to Congress, announced president Alberto Fernández on Wednesday from the official Olivos residency next to foreign minister Felipe Solá, according to an official release. ...*
>
> *The three bills continue on president Fernandez' pledge to recover sovereignty over the South Atlantic islands, which were made on 10 December when he took office and reiterated on March first, the official opening of Congress legislative period.*
>
> *The initiatives have the purpose of creating a National Advisory Council for Malvinas Policies; outline the external limit of the continental shelf beyond the 200 miles and increase sanctions against those involved in illegal fishing in Argentine waters. In his messages president Fernandez promised to work tirelessly to empower the legitimate and imprescriptible sovereignty claim, and for this task "only a presidential mandate is not enough, nor that of a government, it demands a mid and long term State Policy"*
>
> *Minister Solá said at the presentation that the bills have "the objective of strengthening our sovereign presence, our economy activity and promote the memory with real facts, of the Malvinas heroes and of others who gave their lives in Antarctica".*
>
> *The National Advisory council will depend directly from the presidential office and will have a plural integration. The purpose is to design and sustain midterm and long term State policies and will be made up of members from the different political groups in congress, law specialists, academics and representatives from the Tierra del Fuego province (1) and Malvinas veterans.*
>
> *The second initiative will contribute to protect sovereignty rights of resources from the seabed and subsoil of the Argentine sea and proposes a demarcation of the outer limit of the continental shelf beyond the 200 miles. ...*
>
> *Solá added that by "establishing in a bill the Argentine continental shelf coordinates will increase legal security for awarding concessions with the purpose of hydrocarbons exploration and exploitation, minerals and sedentary species, to the benefit of the Argentine people and future generations". Last but not least the third bill is a project drafted jointly with the Ministry of Agriculture to increase sanctions and fines for illegal fishing in Argentine waters, including those surrounding the Malvinas Islands."*

2944 *Algunas Precisiones sobre la Plataforma Continental Argentina y la cuestión Malvinas* Dr. Luciano Pezzano (undated) (15.6.2020?)

2945 *Fight for Falklands Freedom: Reporting Live from Argentina and the Islands* Harold Briley 2022

June 12th, Argentine Foreign Minister Felipe Solá, suspends the exchange of fisheries information with the UK.

"According to the administering Power, the last successful transmission of fisheries data was conducted in March 2020; however, subsequent fisheries data sent to Argentina from the Falkland Islands (Malvinas) were not reciprocated, with no formal notification before the public announcement, in June 2020, by the Government of Argentina that it was withdrawing from the exchange of such data. The United Kingdom underscores that it has devolved this responsibility to the Government of the Falkland Islands (Malvinas). According to the information provided by Argentina, following its review as notified to the United Kingdom in January 2020, in June 2020, Argentina proposed an agenda to the United Kingdom, based on the bilateral joint statement of 28 November 1990 establishing the South Atlantic Fisheries Commission, as a framework to develop further cooperation on the matter; Argentina also highlighted the need for the United Kingdom to cease unilateral actions, including the issuance of long-term fishing licences, in order to hold further meetings of the Scientific Subcommittee. There were subsequent exchanges of notes between the two Governments, but no further cooperation was possible." [2946]

"It is one of the sovereign issues, we cannot deliver strategic data to whoever usurps." [2947]

June 30th, at the end of the Falkland Islands financial year; *"Its total budget for 2019/20 was £110.8 million, with an operating budget of £79.4 million and a capital budget of £52.7 million, funded by taxation and resource rents of the Territory. The Territory continues to make every effort to maintain a balanced budget strategy and upholds the fiscal aim of no public sector borrowing for operating purposes."* [2948]

July 6th, Argentina's government relaunches 2014's *Pampas Azul*; *"The Pampa Azul's main objectives are: exploration, conservation and technological innovation expressly geared toward the "productive sectors related to the sea"; as well as supporting the country's sovereignty in the South Atlantic with "scientific information and presence."."* [2949]

> *"This State policy on research in Argentine marine spaces began to be implemented in April 2014, with the aim of articulating the actions promoted by the different areas of the State in the field of scientific research, technological development and innovation in the sea. The meeting was headed by the Minister of Science, Technology and Innovation of the Nation, Roberto Salvarezza, who after thanking his cabinet colleagues for being present at this first meeting of the Inter-ministerial Committee of the Pampa Azul initiative, recalled the presentation in 2014 by Cristina Fernández de Kirchner, "who aimed to put more knowledge in the Argentine Sea with the idea not only of increasing its productivity, but also of making our sovereignty visible in territories where Argentina suffers the depredation of its natural resources".*
>
> *In reference to this first meeting, the head of the scientific portfolio stressed the importance of retaking the spirit of what Pampa Azul was in its beginnings and the importance of scientific and environmental knowledge applied to production and sovereignty: "This shows the political will of this government to walk towards the Argentine sea". In turn, the Minister of Foreign Relations, International Trade and Worship, Felipe Solá, said that "the best way to defend our sovereignty is to know our natural resources and their dynamics.*

2946 *UN Doc A/AC.109/2021/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 1 March 2021*
2947 Minister Solá quoted in *La Estrategia del Consejo Nacional de Malvinas – Parte 2* Cesar Augusto Lerena 2021
2948 *UN Doc A/AC.109/2021/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 1 March 2021*
2949 *South Atlantic universals: science, sovereignty and self-determination in the Falkland Islands (Malvinas)* James J. A. Blair 2019. See April 21, 2014.

We must also anticipate the effects of climate change on our own natural resources, that is the bottom line. From the authority that scientific and technological knowledge gives us, we can then reach a higher level of decisions and operations".. For his part, the Minister of Defense, Agustín Rossi, explained that both the Ministry of Defense Science and Technology, the Naval Hydrography Service, the Argentine Navy and the Naval Industry, are involved in this initiative, which he considers vital importance for the country: "I celebrate this launch, from a scientific, ***geopolitical*** *and economic point of view, the South Atlantic is very relevant; we will make all our resources and capacities available to achieve the objectives of the Pampa Azul initiative". … Also present at the virtual meeting were the secretary of Malvinas, Antarctica and the South Atlantic Islands, Daniel Filmus;.."* [2950]

"With Pampa Azul, instead of invading the Malvinas again with armed forces, Argentina would occupy the South Atlantic with scientific vessels. As the speaker put it, "The greatest triumph of the UK was not the victory of 1982. It was the colonization of our resources." The talk ended with the determined statement: "We will return to Malvinas, Latin America with science."…" [2951]

July 30th, in New York, unable to hold a public session due to pandemic restrictions, the UN's Special Committee circulates a draft-resolution concerning the Falklands, submitted by Bolivia, Chile, Cuba Ecuador, Nicaragua and Venezuela.

"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;…"

"The 2020 substantive session of the Special Committee was not held owing to the COVID-19 pandemic. Instead, the Committee conducted the work of its substantive session through correspondence and considered proposals by means of a silence procedure pursuant to General Assembly decision 74/544 and its follow-up decisions 74/555, 74/558 and 74/561. 66. On 30 July 2020, the Chair transmitted to the members, for consideration by means of a silence procedure, the report of the Special Committee, which included a draft resolution entitled "Question of the Falkland Islands (Malvinas)", …" [2952]

July 31st, in the Falklands, a repatriation flight from Punta Arenas, organised by the FIG, arrives with two Islanders. The charter fight returns with 30 passengers stranded in the Islands due to the cancellation of scheduled flights.

August 4th, in Buenos Aires, both Houses of Argentina's Congress unanimously approve Law 27.557 regulating the outer limits of the nation's continental shelf beyond 200 nautical miles and modifying Law 23.968 of August, 1993. [2953]

On the same day, Law 27.558 creates the *National Council of Affairs Relative to the Malvinas Islands, South Georgias, South Sandwich and the corresponding Maritime and Island area, within the field of the Presidency of the Nation*.

"Its main objective is to constitute a plural space at the highest institutional level that contributes to generating the necessary political and social consensus to design and implement State policies that aim to make effective

2950 *Argentina.gob.ar.* My emphasis.
2951 Blair 2019. Once again this appears to have been all rhetoric, followed by no action.
2952 *UN Doc A/AC.109/2021/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 1 March 2021*
2953 Promulgated August 24, 2020. This would lead to conflict with Chile in 2021 and a new challenge at the UNCLOS. Unresolved as of March, 2025. See - https://www.boletinoficial.gob.ar/detalleAviso/primera/234033/20200825

the full exercise of sovereignty over the Malvinas Islands, South Georgia, South Sandwich and the Corresponding Maritime and Insular Areas; within the framework of what is established in the first transitory provision of our National Constitution. The Council is chaired by the President of the Nation and is made up of the Minister of Foreign Affairs, International Trade and Worship, the Secretary of Malvinas, Antarctica and the South Atlantic of the Foreign Ministry as well as National deputies and senators of the main political forces with parliamentary representation, by specialists in international law, academics, ex-combatants and authorities of the province of Tierra del Fuego. It is a plural and multi-party body. The organization held its first working meeting on November 6, 2020,…" [2954]

August 5th, in New York, at the UN, the Special Committee submits its annual report to the Fourth Committee for consideration. [2955]

"On 5 August 2020, the Special Committee adopted the draft resolution by consensus by means of a silence procedure and included it in its annual report…" [2956]

As with previous years, the Special Committee's resolution regarding the Falklands is included in the general body of the report, but not in the section listing the Committee's recommendations.

*"The C24 resolution was backed by all 29 members, and **apparently some Caribbean and African members of the Commonwealth had to be convinced** to back the proposal presented by Latin American countries in support of Argentina's claim, which appeals to Resolution 2065 of the UN General Assembly."* [2957]

August 7th, *MercoPress* reports:

> *"Argentina is planning to intensify its policy to claim sovereignty over the Falklands and other South Atlantic Islands with a road map that contemplates three immediate objectives, reinstate in the Organization of American States the claim, resurface the legal threat against oil companies operating in South Atlantic (Falklands) waters and put pressure on the European Union so that a post-Brexit trade agreement with the UK does not include the Falklands in the list of Overseas Territories.*
>
> *This was outlined in a column published in Argentine news agency Infobae by Martin Dinatale, a political reporter who has solid knowledge of Argentine foreign policy affairs and has a special penchant for South Atlantic issues. According to Dinatale this impulse has been boosted by the recent unanimous approval in Congress of two of three bills considered pillars for this strategy, one of them the so called catch-all National Council of Affairs relative to the Malvinas Islands, and the other extending the outer borders of Argentine continental shelf including the litigation area.*
>
> *To this must be added the passing by the UN Decolonization Committee, or C24, of a resolution calling on Argentina and UK to resume negotiations for a peaceful and definitive solution to the Falklands/Malvinas sovereignty controversy. The third bill still to be passed refers to significant increases in the fines, - linked to the price of fuel - imposed on vessels caught fishing illegally in South Atlantic waters. Foreign minister Felipe Solá said that the recovery of full sovereignty exercise over the Malvinas is a State policy and a strong feeling of the Argentine people, adding that "the strategy is on the right track".''*

2954 Long list of members, including Marcelo Kohen. No documents were published by the council and the web site is not longer operative (March, 2025)

2955 See - https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/205/86/pdf/N2020586.pdf?OpenElement

2956 *UN Doc A/AC.109/2021/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 1 March 2021*

2957 *MercoPress* August 7, 2020. My emphasis.

From the Falkland Islands, Deputy Leader of the Legislative Assembly, Barry Elsby, makes a statement.

> "*We are a country which continues to build friendships with those who know how truly special our nation is and who appreciate that the right of our community to choose their own future is an undeniable and irrefutable truth. We continue to make our case on the international stage because there are so many falsehoods perpetuated by those who base their opinion on rhetoric and debunked assertions, without any reference to the people who have made the Falkland Islands what it is over many centuries. Despite not having the opportunity to contribute to C24 this year, our convictions stand firm, and in light of the recent assertions made by Argentina, we choose not to engage with these directly at a time when we believe that all efforts should be focused on saving lives and not on scoring political points. We continue to express our solidarity to countries who are experiencing the devastation of COVID-19 and have already sought to contribute to recovery efforts in Chile and Uruguay."* [2958]

September 3rd, the governments of Argentina and the United Kingdom exchange notes concerning the identification of remains buried in a collective grave at the Argentine Military Cemetery in the Falklands. Work not undertaken by the ICRC in 2017.

"On 3 September 2020, Argentina and the United Kingdom exchanged notes, under the sovereignty formula, to continue to identify the remains buried in a collective grave that had not been included in the earlier identification undertaken by ICRC in 2017. Under this framework, both parties have submitted a new request to ICRC to act again as a neutral intermediary for the identification. At the time of writing, discussions were ongoing." [2959]

In Uruguay, the Falklands Tourism Board is once again represented at Prado Rural agricultural show in Montevideo. Described by Argentina's government as, "*disappointing*". [2960]

September 17th, in the Falklands, on the occasion of Chile's Independence Day, the Governor hosts a reception for the 109 residents of the Chilean community who live and work in the Islands.

September 22nd, in New York, at the opening session of the UN's General Assembly, Argentina's President, Alberto Fernandez, via video, calls upon the UK to reopen negotiations over the Falkland Islands. Recalling the 55th anniversary of UN resolution 2065 of 1965, Fernandez restates his country's claims to the British archipelago; requesting the Secretary-General to employ his '*good offices*' to bring Britain to the negotiating table.

"In his address to the General Assembly on 22 September 2020, the President of Argentina, Alberto Fernández, reaffirmed the legitimate and imprescriptible sovereign rights of his Government over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and recalled that 2020 marked the fifty-fifth anniversary of General Assembly resolution 2065 (XX), the first resolution adopted by the United Nations on the question of the Malvinas Islands, by which Argentina and the United Kingdom were requested to hold negotiations that would allow a peaceful and definitive solution to the sovereignty dispute." [2961]

2958 *MercoPress* August 10, 2020
2959 *UN Doc A/AC.109/2021/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 1 March 2021*
2960 Due to Coronavirus restrictions, the stand was actually manned by members of the British Embassy in Uruguay.
2961 *UN Doc A/AC.109/2021/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 1 March 2021*

September 23rd, within the UN, in response to the statements by Argentina's President, a letter is sent to the United Nations Secretary-General from Britain's Permanent Mission. [2962]

> *"The United Kingdom has no doubt about its sovereignty over the Falkland Islands and South Georgia and South Sandwich Islands and surrounding maritime areas of both territories, nor about the principle and the right of self-determination for the Falkland Islanders as enshrined in the Charter of the United Nations and in article 1 of the two International Covenants on human rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development. This means there can be no dialogue on sovereignty unless the Falkland Islanders so wish. The 2013 referendum – in which 99.8 per cent of those who voted wanted to maintain their current status as a territory of the United Kingdom – sent a clear message that the people of the Islands do not want dialogue on sovereignty. Argentina should respect those wishes. Reference has been made to certain resolutions, but none of these modify or dilute the obligation of nations to respect the legally binding principle of self-determination.*
>
> *The United Kingdom Government attaches great importance to the principle and the right of self-determination as set out in Article 1 (2) of the Charter of the United Nations and article l of the International Covenant on Civil and Political Rights, respectively. As such the United Kingdom remains committed to defending the rights of self-determination for the people of the Falklands Islands, and to determine their own political, social and economic future. This includes unequivocal support for the right of the Falkland Islanders to develop their natural resources for their own economic benefit. The United Kingdom's forces in the South Atlantic are entirely defensive and are at the appropriate level to ensure the defence of the Falkland Islands against any potential threat. The United Kingdom's relationship with the Falkland Islands, and all of its overseas territories, is a modern one based on partnership, shared values and the right of the people of each territory to determine their own future."*

October 1st, in Stanley, a framework for identifying prohibited persons who can be barred from entering the Falkland Islands is announced, following cases of flag waving by Argentine visitors. [2963]

"Previously, individuals were excluded from entering the Falkland Islands, under the Immigration Ordinance, if: "The decision maker believes that there are reasonable grounds to suspect, on the facts available, that the individual, or their presence in the Falkland Islands would not be conducive to the public good". However no guidance existed as to what might be considered not, "conducive to the public good". That has now been remedied. ... There are several types of cases that qualify for a ban. These include national security, which refers to terrorist offences; criminality, where an individual is considered still dangerous; international crimes, including war crimes and torture; corruption, such as tax evasion, money laundering, bribery or fraud. There is also extremism, which can result in exclusion "unless it is clear that they have publicly retracted their views", and 'unacceptable behaviour'. This is defined in the guidance as using writing, preaching or several other methods to express views which provoke, justify or glorify violence, cause harassment, alarm and distress that impacts public order, or foster hatred which might lead to community unrest or violence." [2964]

2962 *UN Doc A/75/351*: *Letter dated 23 September 2020 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General.* Rejected by Argentina in a further letter to the Secretary-General dated October 16, 2020 (A/75/528)

2963 A rather convoluted and half-hearted measure, with no indication of any police powers of confiscation, arrest or detention.

2964 *MercoPress* October 1, 2020

"The document specifies that the threshold for police action should be high, and offers examples relating to issues of particular interest in the Falklands. In the first example, an individual is waving an Argentine flag at the public jetty. The police are called; they ask for the flag to be put away. They (the offender) agree to the request. Assessment as a potentially prohibited person is not warranted. In the second example, the same individual refuses to put away the flag, and continues to wave it, forcing the police to take further action. The individual's actions are now sufficient to warrant consideration as a prohibited person under 'unacceptable behaviour'." [2965]

October 2nd, in Buenos Aires, Argentina's Chamber of Deputies approves legislation declaring 2020 to be the *Bicentennial of the Argentine Act of Possession over the Falkland Islands*. [2966]

"In response to Argentina's planned commemorations of the 200th anniversary of the visit to the Falklands by the privateer captain David Jewett in 1820 and his purported "taking of possession" of the Islands for Argentina, historian Graham Pascoe has released the paper 'David Jewett's visit to the Falklands, 1820-21: no valid "possession-taking". Dr. Pascoe notes in his abstract that before David Jewett arrived he had captured a neutral Portuguese ship, and he captured another neutral US ship in the Islands. … The Argentine government did not order David Jewett to take possession of the Falklands, and in the long report he wrote from Port Louis in February 1821 he did not mention that he had taken possession of the islands. If he had had orders to do so, he would not have omitted to mention that he had carried his orders out. Argentina only found out that he had claimed the Falklands because of reports in the English-language press, which were not published in Buenos Aires until 10 November 1821, just over a year after the event." [2967]

October 6th, Falklands oil exploration company, Premier Oil, announces a merger with Chrysaor Holdings Ltd.[2968]

"… after all the exploration drilling, financial de-risking, infrastructure planning, and environmental impact assessment, the Sea Lion project may become a stranded asset. After the construction of the Noble Frontier temporary dock facility in Stanley Harbour, Noble Energy abandoned its interests in the South Atlantic. Noble was eventually bought by the supermajor Chevron for $5 billion in response to the plummet in demand for oil after the outbreak of the COVID-19 pandemic. Similarly, after Israel's Navitas Petroleum had agreed to farm into 30 percent interest in Sea Lion in 2019, the operator Premier Oil decided to suspend the first phase of production amid the global glut of oil supply in 2020. Under the control of private equity firm EIG Global Energy Partners, Premier became part of Harbour Energy and merged with Chrysaor, … However, Harbour backed out of the Sea Lion project when the Argentine government announced sanctions in 2021. This has left the small exploration firm Rockhopper with by far the largest share of oil in the Falklands. These delayed decisions, mergers, and acquisitions signal the possibility that oil may never leave the seafloor of the South Atlantic surrounding the islands." [2969]

"The failure to develop oil is a measure of the extent to which the Falklands remains a colony under direct British rule. The age of fossil fuel is now ending. Successive British governments failed to develop this resource at a time when it would have been hugely beneficial to the economies of the Falklands and Britain, dwarfing any benefit from pre-war sales of defence equipment. The Islanders and Britain's gain was lost by the FCO. On

2965 *Penguin News* October 2, 2020

2966 An apparent reference to the claim made by the privateer/pirate David Jewett in 1820. Made on behalf of the non-existent United Provinces of South America – a name later adopted, rather cynically, by Argentina.

2967 *MercoPress* October 27, 2020. See - https://falklandshistory.com/wp-content/uploads/David-Jewett's-visit-to-the-Falklands-1820-21-no-valid-"possession-taking".pdf

2968 A 'reverse take-over' completed in March, 2021

2969 Blair 2023

environmental grounds a case can now be made for leaving these oilfields in the South Atlantic undisturbed."[2970]

October 9th, in the UK, former Falklands representative, Sukey Cameron, receives an OBE in the Queens' Birthday Honours list.

October 14th – 23rd, in New York, the UN's Fourth Committee commences a general debate, including issues of decolonization. [2971]

> *"Mexico's representative, speaking on behalf of the Community of Latin American and Caribbean States (CELAC), reaffirmed the bloc's strong support for Argentina's legitimate rights, urging that country and the United Kingdom to resume negotiations and find a peaceful and definitive solution to their dispute over the Non-Self-Governing Territory. He went on to state that CELAC members have committed themselves to freeing their region of colonialism and colonies. …*
>
> *The representative of the United Kingdom emphasized in response to CELAC, MERCURSUR, Argentina and Peru that his country has no doubt about its sovereignty over the Falkland Islands nor their people's right to self-determination. …*
>
> *The representative of Argentina reiterated that the Falkland Islands are an integral part of its territory and are illegally occupied and subject to a sovereignty dispute by both the United Kingdom and Argentina."* [2972]

"At the 2nd to 8th meetings of the Fourth Committee of the General Assembly at its seventy-fifth session, held from 14 to 16 and on 20, 22 and 23 October and 3 November 2020, during the joint general debate on agenda items 50 to 61, the delegations of Antigua and Barbuda, Argentina, Brazil, Chile, China, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico (also on behalf of CELAC), Nicaragua (also on behalf of the Central American Integration System (SICA)), Panama, Paraguay, Peru, Spain Timor-Leste, the United Kingdom and Uruguay (also on behalf of MERCOSUR) addressed the question of the Falkland Islands (Malvinas)." [2973]

"At the 3rd meeting, on 15 October, the representative of the United Kingdom stated that the relationship of his Government with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. … He stated that the Governments of the United Kingdom and its overseas territories were in agreement that the overseas territories were internally self-

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2970 Elgood 2025. In 2025, the oil development prospects around the archipelago appear to be in the hands of Navitas Petroleum (65% stake) and Rockhopper Exploration (35%). Currently it is expected that the first extraction of oil will take place in 2027, but no final decision has been made. According to the xAI, "*As of May 2025, the project is progressing toward FID, with front-end engineering design underway and financing being secured. The Falkland Islands Government supports the responsible development of its oil resources, viewing it as a means to secure economic independence while balancing environmental commitments. The Sea Lion field represents a potential economic boon for the islands but remains a point of contention in UK-Argentina relations and a challenge to the UK's climate agenda."* This researcher doubts that it'll ever happen.

2971 Discussions took place on the 14th, 15th, 16th, 20th, 22nd and 27th October and the 3rd & 4th November, 2020.

2972 UN press release *GA/SPD/717* October 14, 2020

2973 *UN Doc A/AC.109/2021/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 1 March 2021.* See also *UN Docs A/C.4/75/SR.2, A/C.4/75/SR.3, A/C.4/75/SR.4, A/C.4/75/SR.5, A/C.4/75/SR.6, A/C.4/75/SR.7 and A/C.4/75/SR.8).* To any mention of Argentina's claims, the UK representative exercises a right of reply in which he or she expresses the UK's long-held position that it has no doubts about British sovereignty. Argentina then also exercises a right of reply, to repeat its own claims.

governing, subject only to the United Kingdom's retaining powers to enable it to carry out its obligations under international law. While the Government of the United Kingdom would carry out all the responsibilities of the sovereign Power, in terms of its constitutional relationship, its aim was that the Territories were internally self-governing. … He further stated that the United Kingdom had no doubt about its sovereignty over the Falkland Islands and South Georgia Islands and South Sandwich Islands and the surrounding maritime areas of both territories, nor about the right of the Falkland Islanders to self-determination, as that principle was enshrined in the Charter of the United Nations and in article 1 of the two international covenants on human rights, by virtue of which they freely determined their political status and freely pursued their economic, social and cultural development. He stated that the United Kingdom remained firmly committed to the right of the Islanders to determine their own future and that consequently no dialogue on sovereignty was possible unless the Islanders so wished." [2974]

October 28th, South Korea informs Argentina that the UK is preventing the sale of military aircraft to the South American nation by withholding its approval for an export licence. Containing British-made parts, the UK has a power of veto over sales of the FA-50 Fighting Eagle strike jet. Argentine Defence Minister, Agustin Rossi, responds that the UK is displaying '*imperial arrogance*.'

On the same day, *MercoPress* reports:

> "*…"Why all the fuss about the Malvinas, all the indoctrination which starts at school claiming the Islands, and not a word about the province of Formosa which should be returned to Paraguay and we took as spoils of the Triple War in 1870?", asks Argentine writer Federico Jeanmaire, a well-known author of several best sellers. …*
>
> *Jeanmaire then reflects on the South Atlantic conflict, and patriotism, "what seems ridiculous is going to war after so much educational fuss and indoctrination about the Malvinas belonging to us and that they were taken from us". But not a word is said or taught that Argentina should return the northern province of Formosa to Paraguay, occupied when the Triple Alliance conflict, 1864/1870, "a territory we took and have kept since". …*
>
> *"Maybe the Malvinas are Argentine, or maybe not, but what is all that educational fuss about the Malvinas, not a single school is going to teach us we must return Formosa to the Paraguayan people. Behind the marketing of motherland and patriotism there is something dark" underlines the author...*
>
> *Jeanmaire adds that in effect if Argentina was to become a more fair and just country, with not so large differences and people could enjoy dignified lives, the Malvinas issue as displayed today would disappear. The Malvinas claim is present in all social classes and in the most diverse political circles, horizontally it reaches all of us, and this is the product of education, because if not, it could never happen. Education is decided by politics and then dictates policy. In Argentina the Malvinas issue took off when the Centenary of Argentina, 1910, as one of the pillars of nationality, "because we didn't have many more".''*

November 1st, in Punta Arenas, Chile, the 500th anniversary of Ferdinand Magellan first entering the strait at the tip of South America that now bears his name, is celebrated.

"Chile and Spain are celebrating the 500th anniversary discovery of the Magellan Strait, on November first 1520, by the round the world expedition of Fernando Magellan and his second in command Sebastian Elcano,

2974 *UN Doc A/AC.109/2021/6 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 1 March 2021*

who had left Spain in September 1519, with five ships and some 247 crew, and only returned three years later with one vessel and 18 men … In effect on October 21st, 1520, one of his scout vessels, Santiago, discovered what seemed to be the east end of the link between the Atlantic and what was to be named the Pacific. Magellan on November first, after the austral winter, confirmed the discovery and in accordance with the religious calendar named it the Strait of All saints. … However, despite the significance for world trade, communications and navigation, for over 400 years as the link between the two oceans, the pandemic impeded a great celebration planned for the half millennium anniversary in Punta Arenas." [2975]

November 3rd, in New York, a letter from Argentina addressed to the UN Secretary-General, proclaims the 200-year anniversary of the raising of Argentina's flag in the Falkland Islands.

> *"From the very beginning of its existence as an independent nation in 1810, Argentina continuously exercised its jurisdiction over the vast territory that had until then been administered by Spain, including the Malvinas Islands, enacting legislation and establishing legal and administrative structures, including by promoting the development of commercial activities, regulating the exploitation of resources, distributing land and settling a population in the islands.*
>
> *To that end, on 6 November 1820, the Argentine naval colonel David Jewett took solemn possession of the Malvinas Islands in the name of the United Provinces of the River Plate.* [2976]
>
> *In a public ceremony before the captains and crews of the vessels of various countries anchored at Puerto Soledad, Colonel Jewett raised the Argentine flag, fired 21 cannon shots and read a proclamation, making it known that, among other things, the authorities of Buenos Aires had decided to put an end to the unrestricted hunting of marine mammals.*
>
> *The formal taking of possession of the Malvinas Islands was an official and public act that demonstrated the effective exercise of Argentine sovereignty. It was widely reported in America and Europe, and was not contested by the United Kingdom or any other foreign Power."* [2977]

"The Falkland Islands Government notes the Government of Argentina's latest attempt to twist history in favor of their claim over our sovereignty. By marking the raising of their flag in the Falkland Islands, they only highlight the flaws in their interpretation of the history of our home. Our own flag commemorates the first sighting of the Falkland Islands by the crew of the English ship Desire, commanded by Captain John Davis, in 1592." [2978]

"Nevertheless, the evidence suggests that Argentines are becoming increasingly cynical about their claim to the Malvinas, especially young people. Some 45% of the Argentine population have little or no interest in the Malvinas, with 18 to 29 year-olds being the most indifferent of all age groups. Although the recognisable outline of the Islands and accompanying rallying cry remain omnipresent, just how long the claim will remain potent and carry political sway, remains to be seen. With this in mind, the Argentine government is effectively facing a race against time to reach a negotiated compromise agreement." [2979]

2975 *MercoPress* October 29, 2020

2976 Jewett made a claim for the non-existent 'United Provinces of South America'. A title subsequently adopted by Argentina. See November, 1820. Jewett's report of his voyage to Buenos Aires, in which he fails to mention any claim, can be found here - https://falklandstimeline.files.wordpress.com/2018/04/jewett-report-resignation-letter-feb-1-1821-x-5-1-2-agn.pdf

2977 *UN Doc A/75/576: Letter dated 3 November 2020 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General.* Repetition does not make it true. Not contested because the then United Provinces of the Rio de la Plata was not recognised by any established nation.

2978 FIG in *MercoPress* November 6, 2020

2979 Levey & Ozarow 2021

"Except in our imagination, the Malvinas Islands were never part of the Argentine State. We have been arguing for a long time, but after 1982 the Argentines have no way of legitimising non-existent property rights. Negotiations with Great Britain are still open, but I suspect that the Falklanders will not accept anything that reminds them of the invaders of 1982." [2980]

November 6th, at the United Nations, the Fourth Committee winds up its consideration of decolonization; approving 22 draft resolutions to be passed on to the General Assembly. The Special Committee's Falklands resolution is not included.

> *"The Committee then turned to the draft resolution "Fourth International Decade for the Eradication of Colonialism: draft resolution XX" (document A/75/23, chapter V, p.106), by which the General Assembly declares the period 2021–2030 the Fourth International Decade for the Eradication of Colonialism. As such, the Assembly calls upon Member States to intensify their efforts to implement the plan of action for the Second International Decade for the Eradication of Colonialism.*
>
> *It calls upon the administering Powers to cooperate fully with the Special Committee to develop a constructive programme of work for the Non-Self-Governing Territories to facilitate implementation of its mandate..."* [2981]

November 7th, *MercoPress* reports:

> "*Argentina held a meeting with the European Union ambassador and 21 of 27 EU members' representatives in Buenos Aires and formally called for an end of the support for UK Falklands' sovereignty recognition in the ongoing Brexit negotiations between Brussels and London. The meeting was held this week at the German embassy (Berlin holds the European Council presidency) ...*
>
> *On the Falklands issue, (Felipe) Solá was specifically interested in emphasizing the consequences for the Islands of UK's exit of the European Union, given the sovereignty dispute, and underlined Argentina does not want exports from the Islands to have zero tariff and zero quota access to the European market."*

November 11th, in Norway, the Committee dealing with awards for the Nobel Peace Prize confirm a joint nomination of Julio Aro (Argentina) and Geoffrey Cardozo (UK) for their work in identifying the unknown fallen from 1982.

"Aro is president of the No Me Olvides Foundation, created in 2009 to provide support to people with post-traumatic stress, and his nomination to the Norwegian Committee was submitted by the Superior Council of the National University of Mar del Plata, the city where he lives. He shares the nomination with Geoffrey Cardozo, against whom he fought in the 1982 war and whom he met in person in 2008 during a trip to London. The two participated in a meeting between veterans from both countries, and Aro didn't speak English. His translator was Cardozo. There, Aro told him he had visited the Malvinas Cemetery and that half the graves were unmarked. They simply said "Argentine soldier known only to God." Cardozo was surprised; he had been one of the English soldiers who designed Darwin Cemetery. He had arrived on the islands after the war, and his mission was to help the officers care for the troops who had just finished fighting. But his order was different: to find and bury the bodies of Argentine soldiers." [2982]

2980 *Malvinas, tierra irredenta* Luis Roberto Romero in *Seul* June 11, 2023
2981 UN press release *GA/SPD/725* November 6, 2020
2982 *Excombatientes de malvinas nominadas al Nobel de la Paz* in *Página 12* November 11, 2020

November 14th, in the Falklands, after 38 years, Islanders celebrate the detonation of the last remaining land mine in the Islands. Named '*Reclaim the Beach*', the ceremony is held in Yorke Bay. The operation, involving expert teams from Zimbabwe, has cost £44 million. An expense born by the UK Government under its obligations as the Administering Power. [2983]

> *"It's hard to put into words what this milestone means to so many people. The Falkland Islands are known for our amazing physical landscape – for our endless horizons, our outdoor spaces and unique scenery – but since 1982 that landscape has been scarred by the terrible legacy of war.*
>
> *We have had to teach our children about the dangers of minefields and have hoped but not quite dared to dream of the day when we would become mine-free. To say that I am delighted that we can once again roam wherever we wish is a complete understatement."* [2984]

"In November 2018, the Seventeenth Meeting of the States Parties to the Convention granted the United Kingdom an extension until 1 March 2024. According to the administering Power, on 14 November 2020, almost 40 years after the end of the 1982 conflict, the United Kingdom fulfilled its obligations under article 5 of the Convention: over 23 million m2 of land has been cleared and nearly 12,000 mines have been destroyed since 2009; the demining programme, funded by the United Kingdom at a cost of approximately £44 million, began in 2009 and finished three years ahead of schedule. … At the Nineteenth Meeting of the States Parties to the Convention, held from 15 to 19 November 2021, the representative of Argentina stated that his Government rejected the demining of the Islands as announced by the United Kingdom because it was unilaterally carried out in an illegally occupied territory of Argentina. He also stated that his Government was unable to verify the result of the demining activities and intended to request a new extension with regard to article 5 of the Convention in order to comply with its obligation under the Convention." [2985]

"Removal of the mines was a near-impossible task, hindered by wintry weather and boggy terrain in which plastic mines could not be located by metal detectors nor exploded by flails mounted on vehicles which only drove the mines deeper into the ground… some were 15 metres deep under sand dunes. … More that thirty-eight years after they were laid, the Islands were declared free of mines in November 2020,…" [2986]

"The Government of the United Kingdom notes that, following the cessation of the demining operations in 2020, there was no known or suspected contamination on the Islands, therefore, no obligation under article 5 of the Convention could exist. The United Kingdom reaffirms that States parties to the Convention, including Argentina, have been offered additional information and a briefing on the completed demining process and the claim by Argentina that it must verify the mine clearance has no basis in the Convention or past practice. … In April 2024, Argentina submitted a provisional understanding to the United Kingdom, under the sovereignty formula, to jointly conclude the pending demining tasks, as proposed in 2019 and 2020. The Government of Argentina maintains that it has rejected the demining of the Islands as announced by the United Kingdom because it was unilaterally carried out in an illegally occupied territory of Argentina and Argentina was unable to verify the result of the demining activities. Argentina affirmed this position, following the identification of mines on the Islands in November 2023 and September and December 2024, despite the

2983 Land mines laid by Argentina during the 1982 war, placed the UK under an obligation as it was a signatory to the Ottawa Convention on the Prohibition and Use of Anti-Personnel Mines. Disputes with Argentina delayed the commencement of de-mining until 2009. Some 19 of the Zimbabean de-miners chose to remain in the Islands after the work was completed. *cf.* 1982

2984 Falklands MLA Leona Roberts, quoted in *MercoPress* November 14, 2020

2985 *UN Doc A/AC.109/2022/6: UN Working paper prepared by the Secretariat 24 February 2022*

2986 Briley 2022

announcement by the United Kingdom in 2022 that demining had been completed. In November 2022, at the Twentieth Meeting of the States Parties to the Convention, Argentina was granted an extension until 1 March 2026 of its deadline for completing the destruction of anti-personnel mines in mined areas in accordance with article 5 (1) of the Convention." [2987]

November 16th, following the opening of the 18th virtual meeting of the *States Parties to the Anti-personnel Mine Ban*, the British Representative, Aiden Liddle, addresses the Conference.

"Mr President,

As this is the first time my delegation has taken the floor, let me begin by thanking you for your astute leadership this year in exceptionally difficult circumstances.

For nearly two decades, the United Kingdom has provided regular updates to the Convention on our progress to clear the Falkland Islands, the only part of UK territory contaminated with mines. I am proud to announce today that clearance operations concluded on Saturday 14 November. The UK and its overseas territories are now free of anti-personnel mines.

The UK has thus fulfilled its obligations under Article 5 of the Convention. In line with Action 25 of the Oslo Action Plan, we will shortly submit a voluntary declaration of completion.

While the Convention entered into force for the UK in 1999, clearance operations in the Falkland Islands could not begin until we had determined the scale and complexities of the task ahead.

This commenced with a six-year Joint Feasibility study with Argentina, completed in 2007.

This comprehensive study allowed us to fully appreciate the environmental, technical, and logistical constraints we would be up against. This included considering the most effective methods to access mines in challenging locations such as in very remote areas, buried under 10-metre high sand dunes or in swampy peat.

Clearance operations began in 2008 by testing the approach to search for and then remove mines in three areas. The lessons learned from this first operation gave us the confidence to expand the Programme, eventually culminating in the clearance of 122 minefields.

Over the course of the Programme, our skilled team built invaluable experience working in unpredictable weather and tackling difficult terrain, developing creative solutions to manage the technical and physical challenges they faced. Indeed, the clearance management processes implemented on the Falklands have informed the universal International Mine Action Standards.

11 years later, we have now released over 23 million square metres of land back to the Falkland Islands community.

We are deeply grateful to our diligent international team who have worked tirelessly since the inception of the Programme to ensure the Falkland Islands are now safe.

We are pleased that our Falklands Demining programme team will be joining us virtually on Friday at our side event to discuss the methodologies, best practices and lessons learned on this Programme. We hope the knowledge and insight we have gained will contribute to our shared ambition for a mine-free world by 2025.

Thank you, Mr President"

2987 *UN Doc A/AC.109/2025/6: UN Working paper prepared by the Secretariat 19 February 2025*

Argentina protests, claiming that it has been '*impeded*' from accessing the land mines in the islands, thereby being prevented from its responsibilities under the Convention in '*Argentine territory*.' Argentina's representative, Federico Villegas also challenges the declaration made by Britain as being '*unverifiable*.' [2988]

"The selective amnesia of successive Argentine governments never ceases to amaze. Last week, during universal rejoicing in the Falklands that the eleven year-long demining campaign had finally come to a successful conclusion, the Argentine Government was complaining about it in Geneva. They were upset that though the de-mining campaign was carried out in "Argentine territory illegitimately occupied," they had not been allowed to participate. This had prevented them from carrying out their obligations under the terms of the Geneva Anti-Personnel Mine Ban Convention. Adding insult to the valiant efforts of the deminers over so many years, the release from the Argentine Foreign Ministry added, "for that same reason it has been impossible to verify the information made public by the British delegation, referred to the demining of the disputed zone". What was not mentioned, oddly enough, was that the 25,000 or so anti-personnel and ant-tank mines destroyed in the Falklands, were laid by Argentina forces in 1982, a year about which they obviously have only very patchy recall." [2989]

December 12th, in Buenos Aires, at the British Embassy, Argentine businessman Eduardo Eurnekian is appointed an Honorary Officer of the Order of the British Empire (OBE). This for "*services to UK/Argentine relations*". [2990]

December 19th, in the Falklands, Britain's newest polar ship, RRS *Sir David Attenborough*, is registered in the Ships Registry at Stanley in accordance with tradition.

December 24th, in his Christmas Message to the Falklands, Britain's Prime Minister, Boris Johnson, raises the successful de-mining of the Islands, and the on-going negotiations with the European Union.

> *"Our commitment to the well-being of the islands and their people may have ruffled feathers in some quarters. But it serves as a reminder that even though you may be many thousands of miles away you are very much a part of the British family of nations that you will remain and that this government will be there for you come what may.*
>
> *That includes helping you manage the change that's coming when the post-Brexit transition period ends later this month.*
>
> *The EU was absolutely intransigent when it came to excluding most of our overseas territories from this year's trade negotiations. But you haven't been forgotten or left behind. We are going to work with Governor Phillips and your MLAs to support you during the change.*
>
> *And in the longer term our independent trade policy is going to open the door to all kinds of new markets for Falklands exports so that in the months and years ahead the world is going to be if not your oyster then certainly your loligo."*

"The British government's position has not changed substantially. The successive Conservative administrations that have been in power since 2010 make negotiation with the Argentines very unlikely,

2988 In the four years following this report, only two landmines were discovered. *cf.* 1982, 2001 & 2006

2989 *A new low for Argentine Falkland Islands' sovereignty claim propagandists* John Fowler in *MercoPress* November 21, 2020

2990 In 2004, Eurnekian financed the construction of the Argentine Military Cemetery at Fish Creek in the Falkland Islands. Since that time he has continued to help support the cemetery's upkeep. Also closely associated with the humanitarian project to identify the remains of Argentina's 1982 dead whose names were unknown.

arguably in part because of post-1982 party leaderships not wanting to renege on Margaret Thatcher's 'victory', or the memory of the fallen armed forces personnel. The referendum result served to reinforce its view that the Falkland Islanders have now decided their own fate." [2991]

December 30th, a little early, Argentina sends its standard form letter to the UN's Secretary-General. [2992]

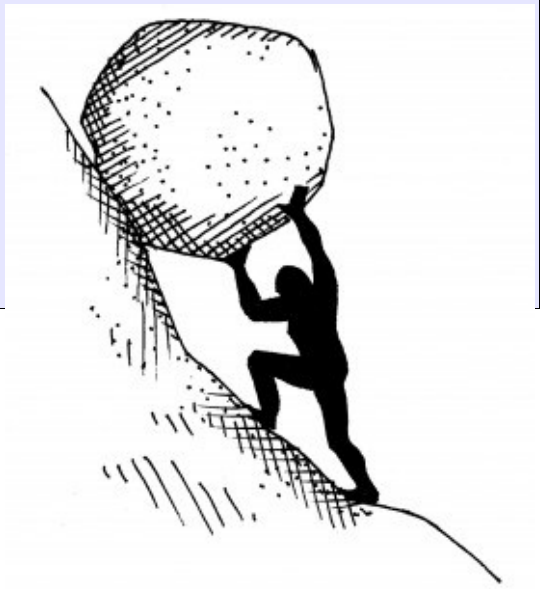
> *"On 3 January 1833, the Malvinas Islands were illegally occupied by British forces, which evicted the Argentine population and authorities lawfully established there and replaced them with British subjects. Since the beginning of its independence process, Argentina, as the legitimate heir to the continental, island and maritime territories that had belonged to Spain, exercised its sovereignty over these archipelagos and maritime areas through various acts of government, including by appointing authorities, solemnly taking possession of the Malvinas Islands in the name of the United Provinces of the Río de la Plata and raising the Argentine flag on that soil for the first time.*
>
> *2020 was the 200th anniversary of that event. The British act of force that culminated in the illegal occupation of the Malvinas Islands was immediately protested by the Argentine authorities of that time and no Argentine Government has ever consented to it.*
>
> *Throughout the 188 years of this usurpation, Argentina has at all times vigorously asserted its claim to exercise its effective sovereignty over these Islands and the surrounding maritime areas.*
>
> *The recovery of the effective exercise of our sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, in accordance with international law, while respecting the way of life of their inhabitants, is a permanent and unrenounceable objective of the Argentine people, as reflected in the national Constitution, and constitutes a St ate policy. …*
>
> *Furthermore, we call on the Secretary-General of the United Nations to renew his efforts to fulfil the mission of good offices entrusted to him by the General Assembly in successive resolutions.*
>
> *The Government and people of Argentina reaffirm once again, 188 years after the usurpation of the Malvinas Islands, their legitimate and imprescriptible sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas."*

2991 Levey & Ozarow 2021

2992 *UN Doc A/75/695: Letter dated 30 December 2020 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General.* UK's response was dated January 14, 2021 (*A/75/720*).

Researcher's Comment: 500 years after the discovery of a western route to the Pacific Ocean in 1520 seemed to be an appropriate juncture to bring this timeline to a close. The debate concerning who owns what has, in any case, been reduced to a sysphean motion of submission and rejection, and counter rejection, ad infinitum. The same rock rolled up the same hill, forever, without end.

Conclusion? Sadly, there appears to be no conclusion. [2993]



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For the full research

https://falklandstimeline.wordpress.com/

https://independent.academia.edu/RogerLorton

2993 Writing this in August, 2025, I have to note that little has changed. The current Argentine President, Javier Milei, seems uninterested in the subject. Merely paying lip-service on the occasions that he cannot escape, such as April 2nd. In 2024 and 2025, Argentina still sent its annual January 3rd letter to the Secretary-General, albeit shorter than before. The only change has been that the UK has not bothered to reply. Will it last? Probably not, but time will tell.

Falklands Wars

Timeline History of the Falkland Islands

1481 to 2020

Roger Lorton

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